



**RIO DELL CITY COUNCIL AGENDA**  
**REGULAR MEETING - 6:30 P.M.**  
**TUESDAY, NOVEMBER 19, 2019**  
CITY COUNCIL CHAMBERS  
675 WILDWOOD AVENUE, RIO DELL

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**WELCOME** - By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.



*In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Assistance listening devices are now available for the hearing impaired. Please see the City Clerk for a receiver.*

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

**F. CONSENT CALENDAR**

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Councilmembers if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually following action on the remaining consent calendar items.*

- 1) 2019/1119.01 - Approve Minutes of the November 5, 2019 Regular Meeting **(ACTION)**

- 2) 2019/1119.02 - Approve minutes of the November 12, 2019 Special Meeting **(ACTION)** 2
- 3) 2019/1119.03 - Receive and File Fiscal Year 2018-19 Annual Financial Report for **(ACTION)** 14
- 4) 2019/1119.04 - Authorize the Finance Director to sign and submit the City's Annual Regional Surface Transportation Program (RSTP) Claim to the Humboldt County Association of Governments (HCAOG) **(ACTION)** 19
- 5) 2019/1119.05 - Approve Resolution No. 1437-2019 Amending the FY 2019-20 Budget to Increase Appropriations for Reimbursement to the Chamber of Commerce for installation of Holiday Decorations **(ACTION)** 27
- 6) 2019/1119.06 - Approve Resolution No. 1439-2019 Authorizing the City Manager to submit Grant Application for the Per Capita Grant Program from the State Department of Parks and Recreation **(ACTION)** 29
- 7) 2019/1119.07 - Receive and File Check Register for September **(ACTION)** 33

G. ITEMS REMOVED FROM THE CONSENT CALENDAR

H. REPORTS/STAFF COMMUNICATIONS

- 1) 2019/1119.08- City Manager/Staff Update **(RECEIVE & FILE)** 37

I. SPECIAL PRESENTATIONS/STUDY SESSIONS

J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) 2019/1119.09 – Discussion of Police Department's Code Enforcement Efforts **(DISCUSSION/POSSIBLE ACTION)** 40
- 2) 2019/1119.10 - Discussion on Syringe Exchange Program **(DISCUSSION/POSSIBLE ACTION)** 46

K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS



- 1) 2019/1119.11 - Second Reading (by title only) and adoption of Ordinance No. 377-2019 Amending Chapter 15.05 "Construction Codes" Section 15.05.020 of the Rio Dell Municipal Code to adopt the 2019 California Building Codes  
**(DISCUSSION/POSSIBLE ACTION)** 87

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

*The next regular City Council meeting is scheduled for  
**Tuesday, December 3, 2019 at 6:30 p.m.***

**RIO DELL CITY COUNCIL  
SPECIAL MEETING MINUTES  
NOVEMBER 12, 2019**

Mayor Garnes called the Special Meeting of the Rio Dell City Council to order at 5:00 p.m.

**ROLL CALL:** Present: Mayor Garnes, Councilmembers Johnson, Strahan and Wilson

Absent: Mayor Pro Tem Woodall

Others Present: City Manager Knopp and Interim Finance Director Dillingham

**SPECIAL MEETING MATTERS**

Authorize Mayor to Sign Letter Related to the FEIR on the Terra-Gen Wind Energy Project  
City Manager Knopp reviewed the letter related to the Final Environmental Impact Report (FEIR) on the Terra-Gen Wind Energy Project.

After brief discussion, motion was made by Strahan/Johnson to authorize the Mayor to sign the letter as presented. Motion carried 4-0.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 5:12 p.m. to the November 19, 2019 Regular meeting.

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Debra Garnes, Mayor

Attest:

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Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
NOVEMBER 5, 2019**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Garnes.

ROLL CALL:            Present:     Mayor Garnes, Councilmembers Johnson, Strahan and Wilson

                         Absent:       Mayor Pro Tem Woodall (excused)

                         Others Present:   City Manager Knopp, Chief of Police Conner, Community Development Director Caldwell (closed session only), City Clerk Dunham and City Attorney Gans (closed session only)

                         Absent:       Interim Finance Director Dillingham, Water/Roadways Superintendent Jensen and Wastewater Superintendent Taylor

**ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:**

**Conference with Legal Counsel – Anticipated Litigation – Initiation and/or exposure to potential litigation pursuant to Section 54956.9(d)(2)(d)(4) – 1 potential case – facts and circumstances unknown to adverse party**

The City Council recessed into closed session at 5:30 p.m. with City Manager Knopp, Community Development Director Caldwell, and City Attorney Gans.

The Council reconvened into open session at 6:30 p.m.

Mayor Garnes announced that there was no reportable action taken in closed session.

**PUBLIC PRESENTATIONS**

**Richard Marks**, Northern Regional Compliance Manager of the Construction Industry Force Account Council (CIFAC) introduced himself and said that CIFAC is a non-profit organization tasked with overseeing public works projects to insure compliance. He said that he is also an elected official as a member of the Harbor Commission and North Coast Railroad Authority.

**Nick Angeloff** provided a brief update on activities of the Rio Dell-Scotia Chamber of Commerce and reported that they would be putting up Christmas decorations on November 29<sup>th</sup> and 30<sup>th</sup> with the Dennis Wendt Tree Lighting Ceremony scheduled for December 7<sup>th</sup>. He noted that due to the increased number of people attending the event, they might have to look at moving the event back to City Hall next year. He indicated that the town Christmas

Tree was donated last year by Root 101 but due to the recent wild fires, trees would not be available.

**Jonathan Brodeur**, 521 View Ave. addressed the Council regarding his water/sewer bill, objecting to the amount of the bill.

City Manager Knopp said if he would submit his complaint in writing, staff would be happy to research it.

### **CONSENT CALENDAR**

Mayor Garnes asked if any councilmember, staff or member of the public, would like to remove any item from the consent calendar for separate discussion. No items were removed.

Motion was made by Wilson/Johnson to approve the consent calendar including approval of minutes of the October 15, 2019 regular meeting. Motion carried 4-0.

### **REPORTS/STAFF COMMUNICATIONS**

#### City Manager/Staff Update

City Manager Knopp provided highlights of the staff report and added that the bids for the ATP Project came back and that there were a fair number of bids submitted. He noted that staff had expected the bids to come in significantly higher since the grant application was submitted back in 2015 however; the bid amounts were good.

He also reported that the City filed claims against PG&E in their bankruptcy proceedings, staff participated in numerous phone calls with PG&E/OES and Humboldt County OES related to the Public Service Power Shutdown (PSPS) event, and reported on the E-Waste event that took place on October 12<sup>th</sup>. He noted that there was an increase in e-waste from the prior year's event by approximately 1,300 pounds but many of the attendees were not from Rio Dell. He said if costs continue to increase, future events might have to be cancelled.

Councilmember Wilson pointed out that Recology Eel River accepts e-waste free of charge.

Councilmember Johnson asked Chief Conner for an update on the homicide investigation.

Chief Conner reported that they are continuing to work on the investigation and was able to obtain a Ramey arrest warrant. Rather than focusing on how the homicide occurred, they are focusing more on what the motive was for the shooting.

Councilmember Strahan asked where the majority of the e-waste came from.



City Manager Knopp explained that the attendees were not registered by zip code, but whether they were inside or outside the City.

### **SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

Letter and Council Position Related to Monument Road Agreement with County of Humboldt  
City Manager Knopp provided a staff report and said that staff attended the Humboldt County Board of Supervisors meeting earlier in the day and addressed the Board on a Road Rehabilitation Agreement related to the Wind Energy Project. The City Council has made it clear that the City opposes the Wind Energy Project for a variety of reasons but they did agree to allow the Mayor to send a letter to Supervisor Fennell proposing the County and the City enter into a Road Rehabilitation Agreement related to Monument Road in the event the project moves forward. The agreement would commit to the rehabilitation of Monument Road from the City limits to its convergence with Redwood Avenue. He noted that this section of road is in extremely poor condition and represents a significant liability to both the city, the county, and anyone that uses it. The approximate length of the project would be 2,800 feet, with 32 percent of the total project area within city limits of Rio Dell. A portion of the road would be reconstructed with FEMA funding, with that work expected to be performed during the summer of 2020.

Despite Terra-Gen's stated intention to not use Monument Road, he noted that it is the shortest distance to the turbines and a fact that any contractor working on the project will get to know very quickly, not to mention the throngs of gawkers lined up to view the turbines up close.

Mayor Garnes was also in attendance at the meeting and made comments to the Board that the road improvements would be a win-win for both the City and the County, using only a small portion of tax revenue from the project to provide at least some level of benefit for those most affected by the wind turbines.

City Manager Knopp commented that the Board voted 4-1 to do additional research and access whether the Terra-Gen Wind Energy project would generate enough revenue to sufficiently fund a road improvement project in Rio Dell.

Mayor Garnes noted that the Board was very supportive of the idea but it comes down to finances and whether the project generates enough revenue to support the project.

Mayor Garnes called for public comment.

**Larry Arsenault** said that he read the letter and that the life span of wind turbines is 30 years. He expressed concern about the cost of decommissioning the wind turbines at the end of their useful life and suggested a bond be required to cover part of that cost.

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**Alice Millington** asked if the County is looking at the wind energy project any differently because of the recent power outages noting that they would still be supplying power out of the area when the power is out locally.

Councilmember Wilson explained that 25 miles of open power lines would go overhead and tie into the grid at Bridgeville, which is the same line that comes into the County. Turning off power further east than Bridgeville would be because of fires there. He said the windmills would not work without power as they supplement the electric grid. Since they are not a stand-alone power source, they would not help during a power shutoff event.

Financial Contribution to the Chamber of Commerce

City Manager Knopp provided a staff report and said that this item was continued from the October 15<sup>th</sup> meeting due to the lack of a full council at that meeting.

He reviewed the past contributions to the Chamber of Commerce for holiday decoration reimbursements beginning in 2015. He noted that the City Council budgeted \$1,500 in the 2019-2020 budget to continue the holiday decoration reimbursement. At the October 1, 2019 regular meeting, Chamber of Commerce President Nick Angeloff requested an item be placed on the agenda regarding a request for \$5,000 as a general donation to the Chamber for Christmas decorations and other miscellaneous expenses. He said that any contribution beyond the \$1,500 would require a budget amendment. If the Council concurs, staff would return with a budget amendment and documentation that spells out the terms of the agreement.

He further explained that there are some restrictions on allowable expenditures with regard to the use of public funds and that the expenditures must show a public benefit.

Nick Angeloff explained the reason for requesting the additional funds and said that the idea was to use the funds to install the new light pole for the Christmas garland and to flush out the decorations. He said if the complexities of donating a pole that would be difficult to dedicate back to the City and it remain in private hands, then it might not qualify as a legal public benefit. If that were the case, the Chamber would cover the cost of the pole and submit receipts to the City for additional holiday decorations.

Councilmember Johnson asked what the estimate was from Spencer Engineering to install the light pole.

Nick Angeloff indicated that the quote was between \$2,500 and \$5,000, depending on the underground utilities.

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Councilmember Wilson asked for clarification if the location of the new pole would be on property owned by Kevin Bradley (Kreation's) and if he was willing to take on the liability of the pole.

Nick Angeloff noted that Kevin Bradley verbally agreed to assume ownership and responsibility of the pole.

City Manager Knopp noted that the original pole was installed in coordination with the Fire Chief and the Public Works Director at the time, but was never dedicated to the City. He confirmed that the pole is owned by the property owner, which is Kevin Bradley (Kreation's).

Nick Angeloff agreed to submit receipts to the City for reimbursement of Christmas decorations in an amount up to \$3,500 or \$5,000 depending on what the Council authorizes.

Mayor Garnes said that if the City Council authorizes a donation for Christmas decorations and in reality, the money is going to replace the light pole, and then it is not right.

Councilmember Strahan questioned the location of the pole and whether it had to be an actual light pole.

Nick Angeloff noted that there will be a light on the new pole but whether it is turned on, is up to the property owner.

Councilmember Wilson asked for clarification on the request and said that as he understands it, the Chamber is asking for an additional \$2,000 in funding, along with the \$1,500 already budgeted for Christmas decorations.

Nick Angeloff said they would gladly accept the \$3,500 and continue to solicit donations from other sources, specifically for the light pole if necessary.

City Manager Knopp commented that staff would return to Council with a Resolution approving the budget amendment authorizing the funds to be used as reimbursement for the pole where the City Council would deem the use of funds as a public benefit for the general public since the light pole does not really fall into the category of Holiday decorations.

In addition, the City would need to pursue a formal agreement with the Chamber spelling out what the allowable use of funds for reimbursement are later on down the road.

Councilmember Wilson agreed with the requested contribution provided it provides a public benefit and is a legal use of public funds. He commented that the Christmas garland is a nice addition to the holiday decorations.

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City Manager Knopp stated that with Council's approval of the contribution, staff would consult the City Attorney to make sure it is a proper use of public funds prior to the Council taking action.

Councilmember Strahan agreed that the Christmas garland was a beautiful addition to the holiday decorations and that a new pole without a light would be sufficient.

Councilmember Johnson said that the Christmas decorations provide a more festive holiday experience and that he would like to see the City help the Chamber in that effort.

Mayor Garnes asked about last year's decorations and noted that some of the stars were lit and some were not. In addition, there were extension cords to some of the stars that created safety issues. She said that she supported more decorations but was concerned about the electrical problems with last year's decorations and the need to address those issues.

Nick Angeloff explained that by the end of the season, those issues were resolved and all the stars were lit. He said there would be some extension cords used this year but none of them would be down low. He said that with additional funds they would love to add electricity to the standards that light the stars.

Mayor Garnes asked if additional decorations had been selected for this year.

Nick noted that four additional reindeer were purchased last year but they did not have an opportunity to put them up due to the problem with the light pole. Those would be added to the garland this year and that they would be taking advantage of the July sales to purchase more lights and decorations.

Mayor Garnes called for public comment.

**Sharon Wolfe** asked if there were plans for lighting up the Rio Dell-Scotia bridge as previously discussed.

Nick responded that lighting of the bridge was part of a 5-year plan and hopefully they would be able to light it up next year. He indicated that some of the donations would likely be used to purchase lights for the bridge.

Motion was made by Wilson/Johnson to direct staff to return to Council with a budget adjustment in the amount of \$2,000 for holiday decorations for a total contribution to the Chamber of \$3,500. Motion carried 4-0.

City Manager Knopp stated for clarification that staff would draft the documents and return to Council at the next meeting as part of the formal approval of the contribution.



Staff Direction on Dog Park in Rio Dell

City Manager Knopp provided a staff report and said that a petition was circulated throughout the community in support of a Dog Park in Rio Dell. At the last meeting, the Council concurred to place an item on the agenda to discuss the possibility. Staff met and had a cursory conversation on the concept and identified a City owned parcel on Center and Ireland as a potential site for the park. He provided Councilmembers with a conceptual drawing of what the dog park might look like and said the City could possibly access grant funds to construct the park including sidewalks, parking, fencing, lighting and possibly some trees.

He noted that from an efficiency standpoint, it seems to be a good option. Other options included the Davis Street Park or City Hall grounds.

Councilmember Strahan asked what happened with the idea of constructing a skate park in Rio Dell.

City Manager Knopp commented that there were some members of the community that had expressed interest in having a skate park in the past but the item was never agenized.

Mayor Garnes said that as a dog person herself, she was excited at the possibility of having a dog park in the City.

Councilmember Wilson commented that he does not have a dog but had no problem with having a dog park in the City. He added that the proposed location seems to be the most economical option. He asked if staff would have the time to maintain the park or if the City would have to rely on volunteers.

City Manager Knopp said that he felt staff could manage the maintenance of the park and that the park could be designed in a way that would minimize maintenance. He commented that there were complaints about dogs on the baseball field and having a designated area for dogs would provide multiple benefits.

Mayor Garnes pointed out safety concerns with walking dogs now and noted that people traveling with dogs look up towns with dog parks.

Mayor Garnes called for public comment.

**Alice Millington** questioned the location of the proposed parcel and asked if the parcel was triangular in shape.

**Richard Newman** expressed concern regarding maintenance of the Dog Park and potential liability to the City. He also commented that 90 percent of dog owners do not pick up after their dogs.

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Mayor Garnes commented that she has used many dog parks and generally people who use them, pick up after their dogs.

Councilmember Strahan said that she did not know why a dog park would take precedence over a skate park and that she would be bringing up the idea of a skate park at a subsequent meeting.

She also mentioned the issue of maintenance and said there is already an issue with Public Works not mowing the baseball field and that she knows that private citizens have had to mow it during Little League season.

City Clerk Dunham pointed out that the City has a Joint Use Agreement with the school but is only responsible for mowing the school field if there is available staff and resources to do so; they are not obligated to mow it.

Motion was made by Garnes/Wilson to direct staff to pursue a plan for a Dog Park in Rio Dell and return to Council with recommendations.

Councilmember Johnson said that he would like to see how Fortuna's Dog Park is handled and what added costs there are to the City and how much burden it is on City staff.

Motion then carried 3-1, Councilmember Strahan dissenting.

Discussion on Recent Public Safety Power Shutoff and Option Moving Forward to Better Prepare the City and Community

City Manager Knopp provided an update on the most recent Public Safety Power Shutoff (PSPS) and noted that the public works department did a great job and were significantly more prepared with the second shutoff. Independent of any fuel deliveries, they had 72 hours of fuel for generation. He commented that some communities to the south were without power for five days. He said that staff was able to listen in with PG&E and the County Office of Emergency Services (OES) and that County OES did good job relaying information. He noted that the recent power outages exposed some general issues so the City certainly needs to work on improved backup power generation.

In addition, staff applied for a grant for emergency supplies including three generators as well as a mobile charging/warming station.

Chief Conner reported that they did not notice any significant crime however; there was the theft of one generator but it took place after the power was restored. He noted that his department was also better prepared with the second PSPS and that Public Works set them up with a generator, which was helpful.

Councilmember Johnson asked for the value of three generators and the charging/warming station.

City Manager Knopp noted that he did not have a detailed breakdown of costs but that the total grant request was \$91,000. He said there is only \$10 million available statewide so it is unlikely the City will receive the full amount although any amount would help.

He explained that the City's position to handle the PSPS was vastly improved from the first PSPS. As part of the Wastewater Treatment Plant Project, included was a large generator as well as the City securing the large CAT generator as part of the Water Source Diversification and Wells Project. Because of those generators, it kept the City from running out of water and eliminated potential sewer overflows into the river.

Councilmember Strahan asked where the new generator was used.

City Manager Knopp said it was utilized at the well site and because it was secured with USDA funding and other grant funding, it is not allowed to be used in other departments unless a public emergency is declared by the City Council.

Councilmember Strahan asked if computers at City Hall were in operation.

City Manager Knopp explained that only core services were available such as the emergency phone line but the problem is that there is a lot of sensitive computer equipment at City Hall so it was not advisable to hook up to a small generator.

Councilmember Wilson reported on the October 24<sup>th</sup> Redwood Coast Energy Authority meeting and said that RCEA has some commitments as far as being a joint agency with the cities and the county and one of their goals is to be self-sufficient with regard to 100% clean and renewable electricity mix for RCEA's Community Choice Energy program by 2025. He noted that the plant at King Salmon is capable of powering the entire county with 163 MW of power. Air Quality permits state that one of the scenarios of operation is that the plant would support the northern region for years in the event of power outages.

He said that in the course of the discussion, the board suggested the creation of an Adhoc committee through RCEA. The four committee members appointed were RCEA Chair Michael Winkler, Estelle Fennell, Dwight Miller and Frank Wilson. He said that the goal of the committee is to work with PG&E and the County and find whatever it is that is not allowing the plant to supply the 163 MW that it is permitted to supply. He pointed out that there is intent to get something done locally and that there is a viable solution.

Mayor Garnes commented that in the event the City is not successful in securing the emergency grant, the City should consider spending General Fund money to get a charging station of some sort.

Councilmember Johnson asked when the grant award would be announced and if the City's ability to provide the \$91,000 would preclude the City from qualifying for grant funding.

City Manager Knopp commented that no date was revealed for award of the grant and that there was a question on the grant application regarding whether the City had emergency funds available in which he answered "no."

Councilmember Strahan agreed with Councilmember Wilson that the City Council should officially declare an emergency so the new CAT generator could be used throughout the City.

City Manager Knopp pointed out that the generator was purchased using grant funds and the City had to sign an agreement whereby the use of the generator was for an alternate water supply. He noted that the CAT generator is significantly larger than what is needed to power City Hall.

Councilmember Wilson asked if staff was in the process of pursuing a generator for City Hall.

City Manager Knopp indicated that staff was looking into it.

Councilmember Wilson agreed with the need to have an emergency charging station for charging medical devices and cell phones. He said that C-Pak batteries could be charged to last all night but there needs to be a means to charge them. He said he would like staff to do what they are already doing by pursuing grants. As far as the community, he suggested people look out for their neighbors by finding out who they are and what their needs are. As a small community, everyone needs to pull together and commented that social media is one way to get the word out to the community.

## **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Introduction/First Reading (by title only) of Ordinance No. 377-2019 Amending Chapter 15.05 "Construction Codes" Section 15.05.020 of the Rio Dell Municipal Code to Adopt the 2019 California Building Codes

City Manager Knopp provided a staff report and explained that every three years, the California Building Standards Commission (CBSC) adopts building regulations known as the California Building Standards Code of Regulations, Title 24. Local governments or jurisdictions can adopt the code "as is" or add more restrictive provisions based on their specific geologic, climatic, and topographical conditions to protect their communities.



The 2019 Codes become effective on January 1, 2020 however; the specific code addition applicable to a building project is established by the building permit application date. As such, projects submitted for a permit on or after January 1, 2020 must comply with the 2019 edition of the California Building Standards Code. He commented that in addition to the ten specific codes included with the adoption, is the 2018 International Property Maintenance Code, which provides the City authority to abate structures that are imminent hazards to the public in a quick and efficient manner.

Staff's recommendation was to introduce the Ordinance, amending Chapter 15.05, "Construction Codes" Section 15.05.020 of the Rio Dell Municipal Code, open a public hearing to receive public input and continue consideration, approval and adoption of the proposed Ordinance to the meeting of November 19, 2020.

Mayor Garnes opened the public hearing at 8:10 p.m. to receive public comment on the proposed ordinance.

**Larry Arsenault** referred to Section 15.05.040 of the proposed ordinance *Person May Do Own Work*, and asked if there were any restrictions to what a homeowner is allowed to do.

Staff responded that a homeowner is allowed to do their own work as an owner-builder, provided the work is permitted and inspected.

There being no further public comment, the public hearing closed.

Motion was made by Johnson/Wilson to introduce and conduct first reading (by title only) of Ordinance No. 377-2019 amending Chapter 15.05, "Construction Codes" Section 15.05.020 of the Rio Dell Municipal Code, and to continue consideration, approval and adoption of the proposed Ordinance to the meeting of November 19, 2019. Motion carried 4-0.

## **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Johnson reported that he would be attending tomorrow, the Caltrans Last Chance Grade committee meeting in Crescent City.

Councilmember Strahan stated that Mayor Pro Tem Woodall had requested an item on the agenda regarding sharps and a needle exchange program.

Consensus of the Council was to place the item on the next regular meeting agenda for discussion.

Mayor Garnes reported on her attendance at the Annual League of California Cities Conference in Long Beach, CA and that one of the things that came to fruition was the creation of a rural cities caucus so small cities will have a voice. She noted that there were

many great sessions but the problem is that many of them run simultaneously making it impossible to attend everything you want to attend. She suggested another Councilmember or staff member be allowed to attend in the future. She noted that other jurisdictions send multiple people and that the League provides valuable information on grant opportunities in addition to the regular sessions.

She pointed out other benefits of the League and said that they are very involved with PSPS events, talks with the Public Utility Commission and sends out valuable information to elected officials.

### **ADJOURNMENT**

Motion was made by Johnson/Strahan to adjourn the meeting at 8:18 p.m. to the November 19, 2019 regular meeting. Motion carried 4-0.

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Debra Garnes, Mayor

Attest:

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Karen Dunham, City Clerk



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Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
[cityofriodell.ca.gov](http://cityofriodell.ca.gov)

November 19, 2019

TO: Rio Dell City Council  
THROUGH: Kyle Knopp, City Manager *3*  
FROM: Cheryl Dillingham, Interim Finance Director *CD*  
SUBJECT: Fiscal Year 2018-19 Annual Financial Report

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the Fiscal Year (FY) 2018-19 Annual Financial Report.

BACKGROUND AND DISCUSSION

The Finance Director provides reports on the budget to keep the Rio Dell City Council and the public informed on the status of the City's finances. The attached Annual Financial Report for FY 2018-19 summarizes budgeted versus actual amounts and describes any significant variances at the end of the fiscal year.

The attached report is for informational purposes and the audited Financial Statements, which should be completed in January 2020, will contain additional and more detailed information.

ATTACHMENTS

FY 2018-19 Annual Financial Report (Unaudited)

# ANNUAL FINANCIAL REPORT

Year End FY 2018-19

This Annual Financial Report summarizes and analyzes the financial performance of the City for Fiscal Year (FY) 2018-19. The report describes the revenues received and expenditures incurred and explains any material differences between these values and the adjusted budget. It also presents the amount of the financial reserves at the end of the year. This report was prepared using final unaudited FY 2018-19 financial information as of June 30, 2019.

## SUMMARY

Total City revenues were \$4,739,512 which exceeded total expenditures of \$3,472,725, resulting in an increase to reserves of \$1,266,787.

### REVENUE AND EXPENDITURES BY FUND - TYPE

	REVENUE	EXPENSE	GAIN/(LOSS)
GENERAL FUND	1,218,587	906,532	312,055
ENTERPRISE FUNDS	2,804,769	2,122,598	682,171
SPECIAL REVENUE FUNDS	716,156	443,595	272,561
<b>TOTAL</b>	<b>4,739,512</b>	<b>3,472,725</b>	<b>1,266,787</b>

**Revenues:** The major funds of the City had revenues that were \$612,648 or 15% higher than estimated in the budget.

### REVENUES BY FUND

	BUDGET	ACTUAL	OVER/(UNDER)
GENERAL FUND	1,033,718	1,218,587	184,869
STREETS	298,300	299,367	1,067
SLESF	130,686	149,534	18,848
BUILDING FUND	35,131	118,419	83,288
SEWER	1,265,330	1,479,910	214,580
WATER	1,214,863	1,324,859	109,996
<b>TOTAL</b>	<b>3,978,028</b>	<b>4,590,676</b>	<b>612,648</b>

**Expenditures:** The major funds shown in the following table ended the year under budget by \$1,296,660 or 27%.

### EXPENDITURES BY FUND

	BUDGET	ACTUAL	OVER/(UNDER)
GENERAL FUND	1,405,914	906,532	(499,382)
STREETS	300,572	240,199	(60,373)
SLESF	120,604	120,604	-
BUILDING FUND	54,931	33,422	(21,509)
SEWER	1,728,534	1,179,408	(549,126)
WATER	1,109,460	943,190	(166,270)
<b>TOTAL</b>	<b>4,720,015</b>	<b>3,423,355</b>	<b>(1,296,660)</b>

**Fund Balances:** Overall total ending fund balances were \$6.52 million an increase of \$1.27 million. The table below shows the changes and fund balances by fund.

Fund Description	Fund #	Actual Ending Fund Balance 6/30/19	Change	Beginning Fund Balance 7/1/18
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General Fund	000	1,949,047	312,055	1,636,992
<b>Special Revenue Funds</b>				
Economic Development	003	-	-	-
Admin Fund	005	12,692	1,473	11,219
Building Fund	008	98,771	84,997	13,774
CDBG RRLF Fund	039	177,005	95,200	81,805
Measure Z Fund	044	(495)	(86)	(409)
Recycling Fund	074	24,600	5,241	19,359
Parks Fund	015	17,850	205	17,645
Realignment Grant Fund	046	3,486	75	3,411
SLESF Fund	040	70,740	28,930	41,810
Vehicle Abatement Fund	043	2,632	27	2,605
Solid Waste Fund	027	39,973	(2,669)	42,642
Gas Tax Fund (HUTA)	020	142,836	(46,686)	189,522
SB1 (RMRA) Fund	021	69,513	69,513	-
TD A Fund	024	69,702	24,490	45,212
RSTP Fund	026	14,314	11,851	2,463
<b>Total Special Revenue Funds</b>		<b>743,619</b>	<b>272,561</b>	<b>471,058</b>

<b>Sewer Enterprise Fund</b>				
Sewer Capital Fund	052	1,117,947	100,735	1,017,212
Sewer Debt Svc Fund	054	47,574	37,198	10,376
Sewer Restricted Reserve	054	302,822	-	302,822
Sewer Operations Fund	050	537,865	162,569	375,296
<b>Total Sewer Enterprise Fund</b>		<b>2,006,208</b>	<b>300,502</b>	<b>1,705,706</b>

<b>Water Enterprise Fund</b>				
Water Capital Fund	062	752,143	65,282	686,861
Water Metro Wells Fund	063	28,954	8,572	20,382
Water Dinsmore Zone	064	47,786	19,859	27,927
Water Debt Svc Fund	061	165,159	(21,786)	186,945
Water Restricted Reserve	061	109,839	96,239	13,600
Water Operations Fund	060	716,105	213,503	502,602
<b>Total Water Enterprise Fund</b>		<b>1,819,986</b>	<b>381,669</b>	<b>1,438,317</b>

<b>Total All Funds</b>		<b>6,518,860</b>	<b>1,266,787</b>	<b>5,252,073</b>
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# ANNUAL FINANCIAL REPORT

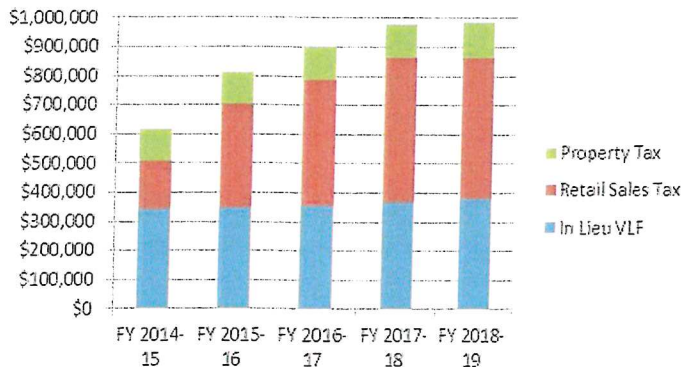
Year End FY 2018-19

## GENERAL FUND

At the end of FY 2018-19 General Fund revenues were \$1.2 million, which was 18% above budgetary estimates. Actual General Fund expenditures were \$906,532, which was 36% below budgeted appropriations.

**Revenues:** The top three revenue sources in the General Fund are Property Tax In Lieu of Vehicle License Fees, Retail Sales Tax and Property Tax. Actual amounts for these revenue sources were \$5,825 or only 0.6% more than the previous year.

General Fund Major Revenues



General Fund revenues were \$184,869 more than budgeted amounts. This was primarily due to Sales Tax and Cannabis revenues. Overall General Fund revenues were \$40,900 more than prior year actuals.

GENERAL FUND REVENUES	BUDGET	ACTUAL	VARIANCE
Property Tax In Lieu VLF	361,536	382,576	21,040
Local Sales Tax Measure U	245,000	285,708	40,708
Sales Tax	139,143	197,781	58,638
Property Tax	124,421	119,582	(4,839)
Franchise Fees	94,182	88,045	(6,137)
Cannabis	-	46,581	46,581
Transient Occupancy Tax	13,152	9,328	(3,824)
Other Revenues	56,284	88,986	32,702
<b>TOTAL</b>	<b>1,033,718</b>	<b>1,218,587</b>	<b>184,869</b>

**Expenditures:** General Fund expenditures were \$524,181 or 36% less than budgeted. Savings were primarily due to lower salary and software

expenses in the Police department and less spending on capital projects.

GENERAL FUND EXPENDITURES	ADJUSTED BUDGET	ACTUAL	VARIANCE
City Council	17,756	13,142	4,614
City Manager	88,026	84,078	3,948
Finance	98,307	89,128	9,179
General Government	58,605	37,226	21,379
Planning	62,172	58,521	3,651
Police	846,845	450,024	396,821
Buildings and Grounds	26,685	22,776	3,909
Transfers	23,300	14,752	8,548
Capital Projects	209,017	136,885	72,132
<b>TOTAL</b>	<b>1,430,713</b>	<b>906,532</b>	<b>524,181</b>

**Fund Balance:** The General Fund ended the fiscal year with a fund balance of \$1,949,047. This was an increase of \$312,055 due to actual revenues exceeding expenditures. At the time of the FY 2019-20 budget development the year-end fund balance was projected to be \$1.8 million. The FY 2018-19 actual ending balance was \$98,047 higher than estimated.

## STREETS FUNDS

**Revenues:** Streets funds revenues were below budgeted amounts in the Gas Tax fund. This was primarily due to a complex distribution formula used by the State that made it difficult to estimate revenues. Fortunately legislative changes have simplified the formulas and incorporated a growth factor so for next fiscal year estimates should be more accurate and revenues should increase. Overall revenues were on target due to higher SB1 revenue.

STREETS REVENUES	BUDGET	ACTUAL	VARIANCE
020 GAS TAX	94,168	77,518	(16,650)
021 SB1 RMRA	57,241	69,513	12,272
024 TDA	124,891	125,624	733
026 RSTP	22,000	26,712	4,712
<b>TOTAL</b>	<b>298,300</b>	<b>299,367</b>	<b>1,067</b>

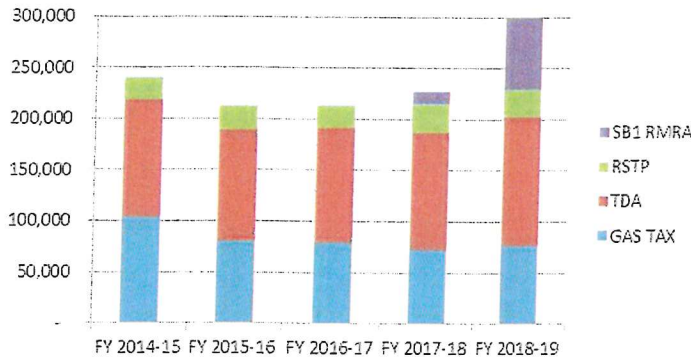
Overall Streets revenues were declining through FY 2016-17. The Road Repair and Accountability

# ANNUAL FINANCIAL REPORT

Year End FY 2018-19

Act of 2017 increased taxes on fuel and vehicle registration and added annual inflationary adjustments to new and existing gas taxes. The new SB1 RMRA revenues provide funding for local streets and roads projects and are allocated to cities on a per capita basis.

**Streets Revenues**



**Expenditures:** Actual expenditures were 20% below budget in the Streets funds. This was primarily due to salary savings, limited equipment purchases and overall reduced expenditures in the TDA fund.

STREETS EXPENDITURES	BUDGET	ACTUAL	VARIANCE
020 GAS TAX	151,477	124,204	27,273
021 SB1 RMRA	-	-	-
024 TDA	126,810	101,134	25,676
026 RSTP	22,285	14,861	7,424
<b>TOTAL</b>	<b>300,572</b>	<b>240,199</b>	<b>60,373</b>

**Fund Balances:** Total overall Streets fund reserves increased by \$84,600. The Gas Tax fund ending balance was lower than estimated due to SB1 revenue originally being included in that fund.

STREETS FUND BALANCES	ESTIMATE	ACTUAL	VARIANCE
020 GAS TAX	164,135	142,836	(21,299)
021 SB1 RMRA	-	69,513	69,513
024 TDA	45,169	69,703	24,534
026 RSTP	2,462	14,314	11,852
<b>TOTAL</b>	<b>211,766</b>	<b>296,366</b>	<b>84,600</b>

## ENTERPRISE FUNDS

### SEWER FUNDS

**Revenues:** The Sewer funds total revenues were \$1,479,910. This amount was spread between Operations (67%), Capital (11%) and Debt Service (23%). The total amounts include all fees, charges, penalties and new connections for sewer service. Actual revenues were 20% more than estimated in the budget primarily due to unanticipated connection charges for a new multi-unit housing project.

SEWER REVENUES	BUDGET	ACTUAL	VARIANCE
050 SEWER OPERATIONS	831,855	984,695	152,840
052 SEWER CAPITAL	102,076	159,027	56,951
053 SEWER ASSESSMENT	28,500	2,107	(26,393)
054 SEWER DEBT SVC.	302,899	334,081	31,182
<b>TOTAL</b>	<b>1,265,330</b>	<b>1,479,910</b>	<b>214,580</b>

**Expenditures:** Total Sewer expenditures were \$1,179,408 which was \$549,126 or 32% less than budgeted. The largest variance was due to lower spending on capital projects.

SEWER FUND EXPENSES	BUDGET	ACTUAL	VARIANCE
050 SEWER OPERATIONS	944,310	824,233	120,077
052 SEWER CAPITAL	481,325	226,388	254,937
054 SEWER DEBT SVC.	302,899	128,787	174,112
<b>TOTAL</b>	<b>1,728,534</b>	<b>1,179,408</b>	<b>549,126</b>

**Fund Balances:** As shown below actual ending fund balances (excluding restricted reserves) were \$401,266 or 31% more than estimated at the time of the FY 2019-20 budget development. Most of this increase was due to a one-time prior year accounting adjustment.

SEWER FUND BALANCES	ESTIMATE	ACTUAL	VARIANCE
050 SEWER OPERATIONS	547,412	537,865	(9,547)
052 SEWER CAPITAL	241,809	1,117,947	876,138
054 SEWER DEBT SVC.	512,899	47,574	(465,325)
<b>TOTAL</b>	<b>1,302,120</b>	<b>1,703,386</b>	<b>401,266</b>



# ANNUAL FINANCIAL REPORT

Year End FY 2018-19

## WATER FUNDS

**Revenues:** Total actual revenues for the Water funds were \$1,324,859 compared to budgeted amounts of \$1,214,863.

WATER REVENUES	BUDGET	ACTUAL	VARIANCE
060 WATER OPERATIONS	798,119	883,139	85,020
061 WATER DEBT SVC.	207,383	211,431	4,048
062 WATER CAPITAL	169,561	190,643	21,082
063 METRO WELLS	17,291	17,752	461
064 DINSMORE ZONE	22,509	21,894	(615)
TOTAL	1,214,863	1,324,859	109,996

**Expenditures:** Total Water expenditures were \$943,190 which was \$166,270 or 15% less than budgeted. The variance was primarily due to lower spending on infrastructure, services and supplies.

WATER EXPENDITURES	BUDGET	ACTUAL	VARIANCE
060 WATER OPERATIONS	763,809	669,636	94,173
061 WATER DEBT SVC.	136,000	136,978	(978)
062 WATER CAPITAL	184,400	125,361	59,039
063 METRO WELLS	22,700	9,180	13,520
064 DINSMORE ZONE	2,551	2,035	516
TOTAL	1,109,460	943,190	166,270

**Fund Balances:** As shown below actual ending fund balances (excluding restricted reserves) were slightly higher than estimated for the Water funds at the time of the FY 2019-20 budget development.

WATER FUND BALANCES	ESTIMATE	ACTUAL	VARIANCE
060 WATER OPERATIONS	686,839	716,105	29,266
061 WATER DEBT SVC.	155,337	165,159	9,822
062 WATER CAPITAL	724,664	752,143	27,479
063 METRO WELLS	29,865	28,954	(911)
064 DINSMORE ZONE	47,297	47,786	489
TOTAL	1,644,002	1,710,147	66,145

## OTHER FUNDS

The following section is a summary of budgeted revenues and expenditures versus actual for other significant special revenue funds.

### BUILDING FUND

Budgeted revenues were \$36,631 and appropriations were \$54,931. A General Fund transfer of \$18,300 was approved in the FY 2018-19 to balance the budget. Actual revenues were \$81,788 more than estimated primarily due to cannabis activity and advance revenues received for a new multi-unit housing project. The ending fund balance in the Building fund was \$98,771 it is anticipated that most of these funds will be expended in FY 2019-20 on inspection services. This is the first time since the Building fund was established that annual revenues exceeded expenditures.

BUILDING FUND	BUDGET	ACTUAL	VARIANCE
REVENUES	36,631	118,419	81,788
EXPENDITURES	54,931	51,722	3,209
TOTAL	(18,300)	66,697	84,997

**SLESF:** The Supplemental Law Enforcement Services Fund (SLESF) can only be used to supplement law enforcement services and has mainly been used to cover salary and benefit costs for a police officer position. In FY 2018-19 the City received \$149,534 in revenues and expended \$120,604. The City of Rio Dell is entitled to receive the minimum grant of \$100,000 in recent years additional "growth" revenue has been received.

**CDBG:** In FY 2018-19 CDBG actual revenues were \$100,373 and expenditures were \$5,173 resulting in an increase to the fund balance of \$95,199 and an ending fund balance of \$137,035. These funds are available for eligible CDBG projects.



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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
(707) 764-5480 (fax)

DATE: November 19, 2019

TO: Mayor and Members of the City Council

FROM: Cheryl Dillingham, Interim Finance Director *CD*

THROUGH: Kyle Knopp, City Manager *3*

SUBJECT: Regional Surface Transportation Program claim for Fiscal Year 2018-2019

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Finance Director to sign and submit the City's annual Regional Surface Transportation Program (RSTP) claim to the Humboldt County Association of Governments (HCAOG).

BACKGROUND AND DISCUSSION

RSTP funds come from the federal excise tax on gasoline and are distributed each year to the County, cities and tribes by HCAOG. The City of Rio Dell will receive \$26,707 in RSTP funding for the 2018-19 fiscal year. The funds can be used to support various eligible transportation projects and the City is required to provide a list with the names of all streets with potential projects and the type of project. Rio Dell primarily uses RSTP funds for street maintenance projects. The attached RSTP Policy and Allocations guide prepared by HCAOG describes the eligible projects and distribution formula used to allocated RSTP revenues to local agencies.

ATTACHMENTS

- FY 2018-19 Annual Claim
- FY 2018-19 HCAOG RSTP Policy and Allocations

# Humboldt County Association of Governments Regional Surface Transportation Program (RSTP)

City of Rio Dell, 675 Wildwood Avenue, Rio Dell, CA 95562

## FY 18-19 Allocation Amount:

FY 18-19 Description of Project or Purposes of Expenditures	Estimated Cost of Project	Amount carrying over	Use of funds
Wildwood Ave, Ireland, Rigby, Bellevue and Center Street	26,707.00	-	Street maintenance
<b>Total Expenditures FY 18-19:</b>	<b>\$ 26,707.00</b>	<b>\$ -</b>	

## FY 17-18 Allocation Amount:

Description of Previous FY's Project or Purposes of Expenditures	Total Expenditures	Amount carrying over	Year Used / Project:
Wildwood Ave, Riverside Dr, Eeloa Ave and Davis Street	27,451.00	-	Street maintenance
<b>Total Expenditures FY 17-18:</b>	<b>\$ 27,451.00</b>	<b>\$ -</b>	
<b>Carryover Funds from Previous Fiscal Years</b>	<b>Unused Carryover Balance</b>	<b>Used Carryover Funds</b>	
	2,018.00	-	
<b>Carryover Balance Remaining:</b>	<b>\$ 2,018.00</b>		

For eligible uses, see HCAOG RSTP Policies

Pursuant to the Regional Surface Transportation Program Section 182.(d)1 program, the undersigned claimant hereby acknowledges that he/she has received a copy of the Exchange Agreement dated \_\_\_\_\_ between HCAOG and the State Department of Transportation (Caltrans), and agency agrees to comply with the applicable required conditions contained therein.

Undersigned claimant also acknowledges that jurisdictions receiving State RSTP funds have complied with Section 1220.4(6) (A special fund for the purpose of depositing exchange funds has been established within a jurisdiction's special gas tax street improvement fund or county road fund.)

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

20 \_\_\_\_\_  
eryl Dillingham, Interim Finance Director, [dillinghamc@cityofriodell.ca.gov](mailto:dillinghamc@cityofriodell.ca.gov)  
Printed Name and Title

**Fiscal Year 2018-19**

**Regional Surface Transportation Program**

**Policy and Allocations**

August 2019



**Humboldt County Association of Governments**  
611 I Street, Suite B  
Eureka, CA 95501  
Phone: 707.444.8208  
[www.hcaog.net](http://www.hcaog.net)

## **Background**

The Regional Surface Transportation Program (RSTP) was established by California State Statute utilizing Surface Transportation Program Funds that are identified in Section 133 of Title 23 of the United States Code. California Streets and Highways Code Section 182.6(d) was enacted under federal transportation bills, beginning in 1991 with the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation, subsequently under the Transportation Equity Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Federal Aid Urban (FAU) and Federal Aid Secondary (FAS) regulations implemented through Section 182.6(d) were repealed by the federal government through the passage of Moving Ahead for Progress in the 21st Century (MAP-21). However, the FAU/FAS regulations currently remain in State law.

RSTP funds originate from the federal excise tax on gasoline. The State of California distributes the funds to regional agencies and counties based on population. HCAOG is allowed to participate in an exchange of these federal funds to nonfederal State Highway Account funds. Prior to an annual distribution of funds, an Exchange Agreement is executed between HCAOG and the State Department of Transportation (Caltrans). This exchange allows for greater flexibility with fewer administrative burdens. The County of Humboldt receives RSTP funds through a separate Exchange Agreement. Exchange funds are subject to financial and compliance audits by State of California auditors.

RSTP funds support a broad range of transportation projects. In the Humboldt region, most are used to augment city and county road budgets. Beginning with the 2007-08 RSTP cycle, HCAOG began setting aside funds for tribal governments. The County of Humboldt has agreed to administer the funds for a single project.

## **Eligible Projects**

Eligible projects are subject to Title 23-Section 133 of the Federal Aid for Highway regulations, in accordance with the State of California Constitution. Section 133(b) provides for the following eligible projects:

- (1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under this title.
- (2) Capital costs for transit projects eligible for assistance under chapter 53 of title 49, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus.
- (3) Carpool projects, fringe and corridor parking facilities and programs, bicycle transportation and pedestrian walkways in accordance with section 217, and the



- modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- (4) Highway and transit safety infrastructure improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife and railway-highway grade crossings.
  - (5) Highway and transit research and development and technology transfer programs.
  - (6) Capital and operating costs for traffic monitoring, management, and control facilities and programs, including advanced truck stop electrification systems.
  - (7) Surface transportation planning programs.
  - (8) Transportation enhancement activities.
  - (9) Transportation control measures listed in section 108 (f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408 (f)(1)(A)).
  - (10) Development and establishment of management systems under Section 303.
  - (11) In accordance with all applicable Federal law and regulations, participation in natural habitat and wetlands mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetlands mitigation banks; contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands; and development of statewide and regional natural habitat and wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1990 (including crediting provisions). Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions toward these efforts may occur in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and State transportation planning processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).
  - (12) Projects relating to intersections that—
    - (A) have disproportionately high accident rates;
    - (B) have high levels of congestion, as evidenced by—
      - (i) interrupted traffic flow at the intersection; and
      - (ii) a level of service rating that is not better than “F” during peak travel hours, calculated in accordance with the Highway Capacity Manual issued by the Transportation Research Board; and
    - (C) are located on a Federal-aid highway.
  - (13) Infrastructure-based intelligent transportation systems capital improvements.
  - (14) Environmental restoration and pollution abatement in accordance with Section 328.

(15) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.

### **Agreement with Jurisdictions**

The following administrative requirements are hereby implemented to assure that the agencies receiving the RSTP funds are using the funds properly, and to assure that HCAOG is properly tracking the funds.

1. Project Lists. Prior to funds being distributed by HCAOG, each entity shall be required to submit to HCAOG a list of eligible projects on which they expect to expend the funds. The list shall include the name of all streets and roads with potential projects, the type of project (rehabilitation, maintenance, etc.) and the functional classification based on the "annual maintained mileage report" prepared by each agency. (Form is attached)
2. Exchange Agreement Compliance. HCAOG is required to sign an annual Exchange Agreement with the State which states that HCAOG (and project sponsors) agree to comply with required conditions. Therefore, each entity shall receive a copy of the agreement and be required to sign a statement of compliance in order to receive funds. Compliance includes a requirement that a special fund for the purpose of depositing exchange funds has been established within a jurisdiction's special gas tax street improvement funds or county road fund. (Form is attached)
3. Annual Report. Each entity shall be required to submit an annual report before receiving new RSTP funds each annual cycle. The report shall indicate how funds were expended or explain if funds are being carried over for a larger project. (Note: The annual report should agree with the project list submitted, otherwise a written explanation will be required). (Form is attached)

### **RSTP Formula Distribution**

During a normal funding cycle, HCAOG receives instructions from the State to begin the process to exchange the RSTP funds sometime during the calendar year, resulting in an executed Exchange Agreement and receipt of funds by or near June 30 of each fiscal year. HCAOG staff then prepares a draft RSTP Program for stakeholder and public review and discussion at HCAOG Technical Advisory Committee (TAC) and Board meetings. Upon HCAOG Board approval, HCAOG notifies eligible claimants of the approved amount of available funding per the formula distribution. Funds are then distributed to the County, Cities, and tribes upon compliance with the Agreement with Jurisdictions, as explained above.

**Humboldt County Association of Governments  
Regional Surface Transportation Program FY 2018-19**

<b>FY 18-19 RSTP Allocation</b>	1,348,874
<b>Regional Apportionment</b>	(262,188)
<b>Excess Fund Apportionment</b>	<b>\$1,086,686</b>

The **Regional Apportionment** is apportioned first, in the amount of \$262,188. This amount has remained constant in this formula of distribution. Of this amount, \$100,000 is taken off of the top and allocated to Humboldt County in exchange for an annual dedication of \$200,000 of County Local Transportation Funds to transit agencies supporting capital improvements.

Regional Apportionment	262,188
Transit Set Aside (County of Humboldt)	(100,000)
<b>Balance</b>	<b>\$162,188</b>

The remaining amount (\$162,188) is then apportioned to the four FAU areas based on the following percentages set in the 1990s:

<b><u>Remaining Regional Apportionment Amount</u></b>		
FAU Jurisdiction	FAU %	Allocation
McKinleyville	15.0%	\$24,328
City of Arcata	23.8%	\$38,601
City of Eureka	46.6%	\$75,580
City of Fortuna	14.6%	\$23,679
<b>Total</b>	<b>100.0%</b>	<b>\$162,188</b>

The **Excess Fund Apportionment** (\$1,086,686) is then apportioned to the County and seven cities and TAC tribal members. The first amount apportioned goes to the **Small Agency Program**. This is based on the population percentages of the four small cities (Blue Lake, Ferndale, Rio Dell and Trinidad) and tribal land populations for tribes that are members of the TAC (Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, Hoopa Valley Tribe, Karuk Tribe, Trinidad Rancheria and the Yurok Tribe). Population data for the small cities is taken from the California Department of Finance Table E-1. The North Coast Tribal Transportation Commission provides population data annually. For FY 18-19, the Small Agency Program, based on population, is 8.77% of the Excess Fund (\$95,305).

<b><u>Small Agency Program (Excess Fund Apportionment)</u></b>				
	Population Estimates*	% of Total Population	% of Small Agency Program	Allocation
Blue Lake	1,243	0.92%	10.5%	\$9,981
Ferndale	1,335	0.99%	11.2%	\$10,720
Rio Dell	3,326	2.46%	28.0%	\$26,707
Trinidad	360	0.27%	3.0%	\$2,891
Tribal Areas	5,605	4.14%	47.2%	\$45,007
<b>Total</b>	<b>11,869</b>	<b>8.77%</b>	<b>100.0%</b>	<b>\$95,305</b>

\*Tribal populations provided by North Coast Tribal Transportation Commission

The remaining Excess Fund Apportionments are then given to the FAU and Federal Aid Secondary (FAS) agencies. As the FAS recipient, Humboldt County receives 67.2% of the remaining Excess Fund Apportionments, with the FAU recipients receiving the remaining 32.8% of the Excess Fund Apportionment. The 32.8% allocation is apportioned according to the 1990 percentages for each FAU recipient. The FY 18-19 FAU/FAS funds equal \$991,381 (\$1,086,686 - \$95,305).

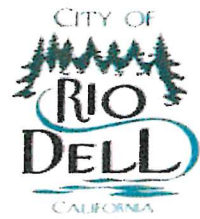
**FAU/FAS Funds (Remaining Excess Fund Apportionment)**

	67.2 % FAS	32.8% FAU	Allocation
	\$666,208	\$325,173	
County of Humboldt	100%	N/A	\$666,208
Arcata	N/A	23.8%	\$77,391
Eureka	N/A	46.6%	\$151,531
Fortuna	N/A	14.6%	\$47,475
McKinleyville	N/A	15.0%	\$48,776
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>\$991,381</b>

Below are the final allocations for the FY 2018-19 RSTP distributions:

**RSTP 18-19 Allocations**

County of Humboldt	\$839,312
Arcata	\$115,992
Blue Lake	\$9,981
Eureka	\$227,111
Ferndale	\$10,720
Fortuna	\$71,154
Rio Dell	\$26,707
Trinidad	\$2,891
Tribal Governments	\$45,007
<b>Total</b>	<b>\$1,348,874</b>





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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
(707) 764-5480 (fax)

DATE: November 19, 2019

TO: Mayor and Members of the City Council

FROM: Cheryl Dillingham, Interim Finance Director 

THROUGH: Kyle Knopp, City Manager 

SUBJECT: Resolution No. 1437-2019 Budget Adjustment for Additional Funding to Reimburse the Chamber of Commerce

IT IS RECOMMENDED THAT THE CITY COUNCIL:

It is recommended that the City Council approve Resolution No. 1437-2019 amending the Fiscal Year (FY) 2019-20 adopted budget to increase appropriations for reimbursement to the Chamber of Commerce for installation of holiday decorations.

BACKGROUND AND DISCUSSION

For the current fiscal year, the City's adopted budgeted included \$1,500 to reimburse the Chamber of Commerce for holiday decorations. Last year a pole that decorations were hung from was damaged and needed to be removed. The Chamber has made a verbal request for additional funding to replace the pole so that a holiday garland can be installed at the gateway to the City.

At a regularly scheduled meeting on November 5, 2019, your City Council City Council directed staff to return with a budget adjustment to increase the funding for the Chamber of Commerce to a total of \$3,500 for reimbursement of actual costs for holiday decorations and the pole used to hang the decorations. Resolution No. 1437-2019 increases the FY 2019-20 budget by \$2,000.

ATTACHMENTS

Resolution 1437-2019 Budget Amendment



**RESOLUTION NO. 1437-2019  
A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF RIO DELL  
AMENDING THE FISCAL YEAR 2019-20 BUDGET**

**WHEREAS**, the City adopted Resolution 1425-2019 establishing the City's Operating and Capital Budget for Fiscal Year (FY) 2019-20 and any adjustment that increases appropriations in a fund must be approved by the City Council; and

**WHEREAS**, the Chamber of Commerce has requested funding in addition to the \$1,500 already included in the FY 2019-20 adopted budget; and

**WHEREAS**, on November 5<sup>th</sup> the City Council directed staff to make a budget adjustment of \$2,000 to increase the funding available to the Chamber of Commerce to a total of \$3,500; and

**NOW THEREFORE BE IT RESOLVED** that the City of Rio Dell City Council does hereby amend the City of Rio Dell FY 2019-20 Budget to provide additional funding to the Chamber of Commerce for reimbursement of actual costs associated with the purchase and installation of holiday decorations and the pole used to hang the decorations in the City as follows:

Expenditures:	5106 12 000 Promotional	\$2,000
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**PASSED AND ADOPTED** by the City Council of the Rio Dell on this 19<sup>th</sup> day of November, 2019 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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Debra Garnes, Mayor

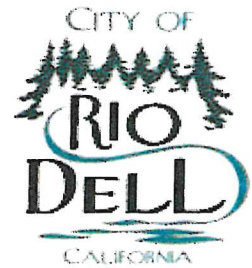
ATTEST:

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Karen Dunham, City Clerk

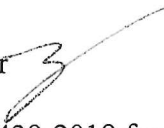


*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
cityofriodell.ca.gov*



November 19, 2019

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Approve Resolution No. 1439-2019 for the Per Capita Grant Program from the State Department of Parks and Recreation.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Resolution 1439-2019.

BACKGROUND AND DISCUSSION

On June 5, 2018, California voters approved Proposition 68, the “Parks and Water Bond Act of 2018” (Senate Bill 5). A number of grant programs for drought, water, parks, climate, coastal protection, and outdoor access will be supported with Proposition 68 bond proceeds. One is the “Per Capita Program”, which provides \$185,000,000 to cities and counties statewide for local park rehabilitation, creation and improvements on a per capita basis. Rio Dell is potentially eligible for a \$200,000 grant.

Under this program, grant recipients are encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors. The process to obtain these grant funds is initiated by City Council adoption of a Resolution authorizing the City of Rio Dell to apply to the “Per Capita Program”.

Adoption of the Resolution expresses the City Council’s agreement with the funding contract with the State and confirmation that the City has funds to complete, operate and maintain any future grant-funded projects. The Resolution also designates an authorized position—the City Manager in the attached draft Resolution—to represent the City and execute all documents and negotiations on behalf of the City.

No specific grant application has been developed at this time, and this item is simply a formality to help make the city eligible for this funding source. Grant applications will need to be approved by the City Council.

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## RESOLUTION NO. 1439-2019

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS, the grantee will enter into a contract with the State of California to complete project(s);

**NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND** by the City Council of the City of Rio Dell as follows:

1. Approves the filing of project application(s) for Per Capita program grant project(s); and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s), and
4. Certifies that all projects proposed will be consistent with the park and recreation element of the City of Rio Dell general or recreation plan (PRC§80063(a)), and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and
6. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and
7. (PRC §80001(b)(8)(A-G)) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the City of Rio Dell will consider a range of actions that include, but are not limited to, the following:
  - (A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.
  - (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.

(C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

8. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).
9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)).
10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and
11. Delegates the authority to the City Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and
12. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell, State of California, on November 19, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1439-2019 approved and adopted by the City Council of the City of Rio Dell on November 19, 2019.

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Karen Dunham, City Clerk

**City of Rio Dell**  
**Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
8418	10/02/2019	[6038] ACCURATE TERMITE & PEST SOLUTIONS	BI-MONTHLY PEST CONTROL @ 675 WILDWOOD AVE, MONTHLY RODENT CONTROL @ 475 HILLTOP DR	275.00
8419	10/02/2019	[3975] AT&T - 5709	FAX LINE EXPENSES FOR SEPTEMBER 2019	
8420	10/02/2019	[4603] CALIF. BUILDING STANDARDS COMMISSION	PERMIT ASSESSMENT FEES FOR JUNE THROUGH SEPT 2019	44.57
8422	10/02/2019	[5127] DELTA DENTAL	DENTAL INSURANCE FOR NOVEMBER 2019	14.40
8423	10/02/2019	[2342] DEPT OF CONSERVATION DIVISION OF ADMIN.	STRONG MOTION INSTRUMENTATION & SEISMIC HAZARD MAPPING FEE FOR JULY THROUGH SEPT 2019	1,964.60
8424	10/02/2019	[5568] DIVISION OF THE STATE ARCHITECT	DISABILITY ACCESS & EDUCATION FEES FOR JULY THROUGH SEPT 2019	16.23
8425	10/02/2019	[2386] EUREKA RUBBER STAMP CO.	BLACK MAGNETIC NAME TAG LAPEL PIN	35.60
8426	10/02/2019	[2717] EUREKA TIMES-STANDARD	52 WEEK SUBSCRIPTION	12.75
8427	10/02/2019	[2405] FORTUNA ACE HARDWARE	FIVE BAGS 94# PORTLAND CEMENT	335.17
8428	10/02/2019	[5052] GHD, INC	ENGINEERING SERVICES FOR STREETS SAFETY IMPROVEMENT & COMMUNITY OUTREACH PROJECT, ENGINEERING SERVICES FOR COUNCIL & STAFF MEETINGS; TAC MEETINGS & TRANS PLANNING	97.60
8429	10/02/2019	[6486] GREEN TO GOLD ENTERPRISES LLC	BLUE RHINO PROPANE EXCHANGE	12,349.00
8430	10/02/2019	[2447] HILFIKER PIPE CO.	24" CAST IRON FRAME & COVER SANITARY SEWER FOR PAINTER STREET	26.09
8431	10/02/2019	[2551] MIRANDA'S ANIMAL RESCUE	ANIMAL CONTROL FOR SEPTEMBER 2019	429.00
8432	10/02/2019	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS	1,900.00
8433	10/02/2019	[2569] NORTH COAST LABORATORIES, INC.	HALOACETIC ACIDS; NITRATE AND/OR NITRITE; PERCHLORATE; TRIHALOMETHANES	45.77
8434	10/02/2019	[4393] NYLEX.net. Inc.	MONTHLY MAINTENANCE FOR OCTOBER 15 THROUGH NOVEMBER 15, 2019	660.00
8435	10/02/2019	[6806] PINTERMEDIA LLC	MONTHLY WEB HOSTING FEE FOR OCTOBER	1,250.00
8436	10/02/2019	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE PURCHASE FOR RESERVE	30.00
8437	10/02/2019	[4338] QUILL CORPORATION	V-TECH CORDLESS PHONE	400.00
8438	10/02/2019	[6349] RECOLOGY EEL RIVER	GARBAGE BAGS FOR SEPTEMBER 2019	56.54
8439	10/02/2019	[2657] RIO DELL EMPLOYEES ASSOC	EMPLOYEE DUES FOR QUARTER ENDING 9/30/19	207.60
8440	10/02/2019	[3755] SEQUOIA PERSONNEL SERVICE	FISCAL ASSISTANT I/II TEMPORARY HIRE	88.00
8441	10/02/2019	[2682] SMALL CITIES ORGANIZED RISK EFFORT	QUARTERLY PREMIUM FOR WORKER'S COMPENSATION INSURANCE 7/1/19 - 9/30/19	862.80
8442	10/02/2019	[2724] STATE WATER RESOURCES CONTROL BOARD	CLEAN WATER STATE REVOLVING FUND FINANCING AGREEMENT # C-06-7401-110, CONTRACT # 11837-550-0, ACCOUNTS RECEIVABLE #11837-18-5	23,427.02
8443	10/02/2019	[2712] STEVE'S SEPTIC SERVICE, LLC	PUMP SEPTIC @ FERN AND EELOA	302,933.39
8444	10/02/2019	[6715] WALLGREEN, BETHANY	CUSTOMER DEPOSIT REFUND	950.00
8445	10/02/2019	[2771] WECO INDUSTRIES	SEWER CAMERA REPAIRS	32.53
8446	10/02/2019	[6037] WELLS FARGO VENDOR FIN SERV	KYOCERA COPIER PAYMENT FOR OCTOBER 2019	2,530.65
8447	10/02/2019	[2787] WYCKOFF'S	4" NEOPRENE PLUG, 500K BTU ECONOMY TORCH KIT, FHT ADAPTERS	534.58
8448	10/08/2019	[0576] 101 AUTO PARTS	FOUR EA SUPER HC IND V-BELTS, SANDING PAD; FT. WHIT, HEAT SHRINK TUBING	130.62
8449	10/08/2019	[4109] ACCESS HUMBOLDT	SL FRANCHISE OVERSIGHT ON BEHALF OF LFA'S PER AGREEMENT OF JUNE 1, 2008	136.58
8450	10/08/2019	[5381] ALTERNATIVE BUSINESS CONCEPTS	MONTHLY MAINTENANCE & COPIER CHARGES FOR SEPTEMBER 2019	270.00
8451	10/08/2019	[6216] BERRY, BRANDY	CUSTOMER DEPOSIT REFUND	451.21
8452	10/08/2019	[2293] CITY OF FORTUNA	POLICE DISPATCH SERVICES FOR OCTOBER 2019, LAB TESTING FOR JULY THROUGH SEPT 2019	42.67
8453				5,651.67



**City of Rio Dell**  
**Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
8453	10/08/2019	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 9/27/19	150.00
8454	10/08/2019	[5944] COLANTUONO, HIGHSMITH & WHATLEY, PC	LEGAL SERVICES FOR SEPTEMBER 2019	80.00
8455	10/08/2019	[6486] GREEN TO GOLD ENTERPRISES LLC	18 OZ BLACK LEAK STOPPER FLEXIBLE SEALANT, 6" MAX-FAN PRO SERIES 420 CFM; CAN-FILTER 50W/OUT FLANGE 420 CFM; CAN -FILTER FLANGE 6" (50/75), THERMOFLO SR INSULATED DUCTING 6'X25"; FG SCR HK ZC #6X3 3/8"; JACK CHAIN 100' SINGLE ROLL	540.22
8456	10/08/2019	[2437] HACH	aa REAGENT SET, CHLORINE FREE CL17	
8457	10/08/2019	[2452] HORIZON BUSINESS PRODUCTS	SHIPPING FOR WASTEWATER SAMPLES	222.09
8458	10/08/2019	[6410] HUMBOLDT LODGING ALLIANCE	HCTBID TOT ASSESSMENT FEE FOR JULY THROUGH SEPTEMBER 2019	192.74
8459	10/08/2019	[6834] JOHN MCCUTCHEON	PROFESSIONAL SERVICES FOR MONUMENT RD HOMICIDE CASE # DA 19-0387	653.27
8460	10/08/2019	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS	270.00
8461	10/08/2019	[6364] MUNIQUIP, LLC	VERTICAL MULTISTAGE CENTRIFUGAL PUMP WITH INLINE INLET & OUTLET PORTS	43.49
8462	10/08/2019	[2569] NORTH COAST LABORATORIES, INC.	TOTAL COLIFORM BACTERIA 3X5, EPA 3050B METALS DIGESTION; EPA 6010B; MERCURY,NITRATE AND/OR NITRITE; NITRATE/NITRITE; THM by EPA 624; TOTAL DISSOLVED SOLIDS; TOTAL NITROGEN	2,239.39
8463	10/08/2019	[4493] REDWOOD GLASS & WINDOWS	INSTALL NEW GLASS IN WINDOW AT FRONT OFFICE OF CITY HALL	600.83
8464	10/08/2019	[6686] CLINTON C SAUERS	LODGING REIMBURSEMENT; MEALS & MILEAGE PER DIEM TO ATTEND WATER DISTRIBUTION OPERATOR GRADE 1 EXAM	319.84
8465	10/08/2019	[2693] SHELTON'S AUTO LUBE	FULL OIL CHANGE FOR 2018 FORD INTERCEPTOR #FAH140211	110.00
8466	10/08/2019	[4525] SHERLOCK RECORDS MGMT	FULL OIL CHANGE FOR 2018 FORD INTERCEPTOR #FAH126402	
8467	10/08/2019	[5976] STATEWIDE TRAFFIC SAFETY & SIGNS	STORAGE SERVICE & BOX REFLING FOR SEPTEMBER	120.20
8468	10/08/2019	[4908] THE MITCHELL LAW FIRM, LLP	SIX 2" SQ 12 GAUGE X 12' POSTS FOR STREET SIGNS	296.36
8469	10/08/2019	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	LEGAL SERVICES FOR SEPTEMBER 2019, LEGAL SERVICES FOR SEPTEMBER 2019	1,063.50
8470	10/08/2019	[2787] WYCKOFF'S	RETIREMENT FOR PPE 9/27/19	6,698.57
8471	10/17/2019	[6836] ALLIANCE TECHNOLOGY LLC	BRAIDED TUBING, 20 EA H HOSE	54.44
8472	10/17/2019	[2237] BANK OF AMERICA BUSINESS CARD	OPTICAM 200' SYSTEM	7,006.77
			CALBO - ANNUAL MEMBERSHIP, DOLLAR GENERAL - PINE SOL, COSTCO - TRASH BAGS; 4 PK LAMINATE TAPE, FEDEX - BUDGET BOOK COVERS, COSTCO - 8 PK PACKING TAPE, DOLLAR GENERAL - SD CARD, COSTCO - EXTERNAL HARD DRIVE	6,775.61
			LODGING TO ATTEND WOMEN LEADERS IN LAW ENFORCEMENT TRAINING, U-HAUL OF EUREKA - TRAILER HITCH, LEAGUE OF CA CITIES - 2020 CITY MANAGERS CONFERENCE, ADOBE PRO DC MONTHLY SUBSCRIPTION, SYMPATHY STORE - FLOWER BASKET, AMAZON - REPLACE CITIZENS DVR, SUPPLYHOUSE - INFARED FLAME DETECTOR, AMAZON - TO REPLACE CITIZENS INTERNAL HARD DRIVE, EXPEDIA - SHUTTLE SERVICE, AMAZON - HP COLOR INK CARTRIDGES, AMAZON - HP BLACK INK CARTRIDGE, FEDEX - PACK & SHIP SERVICE FOR PLANS TO INTERWEST CONSULTING GROUP, CALBO - TRAINING CONFERENCE, VISTAPRINT - BUSINESS CARDS FOR FINANCE DIRECTOR, REDDING TRAILER CENTER - LIFTGATE	
8473	10/17/2019	[2340] DEPARTMENT OF JUSTICE ACCOUNTING	BLOOD ALCOHOL ANALYSIS FOR SEPTEMBER 2019	70.00
8474	10/17/2019	[2405] FORTUNA ACE HARDWARE	FOUR SOLAR MOTION 2 HEAD LIGHTS & BULBS	249.48



**City of Rio Dell**  
**Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
8475	10/17/2019	[2750] HD Supply Facility Maintenance DBA: USA BLUEBOOK	TNT+ AMMONIA TESTS 25/PK; pH BUFFER PACK; HACH NITRATE TNT+ LR 25/PK; DEEP BLUE PTT CONCENTRATE	291.55
8476	10/17/2019	[2461] HUMBOLDT COUNTY TAX COLLECTOR	2019/2020 PROPERTY TAX ASSESSMENT #: 205-111-039	
8477	10/17/2019	[5623] KYLE C KNOPP	REIMBURSEMENT FOR THREE SLA1075 BATTERIES PURCHASED FROM INTERSTATE BATTERIES OF THE REDWOODS	2,440.54
8478	10/17/2019	[5689] MENDES SUPPLY COMPANY	TWO CASES PAPER TOWELS; TWO CASES DEODORIZERS; ONE CASE PINK HAND SOAP	68.19
8479	10/17/2019	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS	204.25
8480	10/17/2019	[5934] NORTH COAST JOURNAL	EMPLOYMENT ADVERTISEMENT FOR WW OIT, EMPLOYMENT ADVERTISEMENT FOR WW OIT THROUGH ONLINE PORTAL	45.77
8481	10/17/2019	[2603] PG&E	UTILITY EXPENSES FOR SEPTEMBER 2019	186.00
8482	10/17/2019	[4338] QUILL CORPORATION	BROTHER BLACK TONER CARTRIDGE	19,167.65
8483	10/17/2019	[6825] SUDDENLINK	PD INTERNET SERVICES 10/1/19 - 10/31/19	90.25
8484	10/17/2019	[6672] WEX BANK	PD FUEL EXPENSES FOR SEPTEMBER 2019, PW FUEL EXPENSES FOR SEPTEMBER, PD FUEL EXPENSES FOR OCTOBER 2019	900.00
8485	10/17/2019	[2787] WYCKOFF'S	FOUR HIGH PRESSURE 70W BULBS	2,262.91
8486	10/23/2019	[2224] AQUA BEN CORPORATION	HYDROFLOC 851 275 GAL TOTE	89.79
8487	10/23/2019	[4937] CALIFORNIA DEPARTMENT OF	SIGNALS & LIGHTING BILLING JULY 2019 THROUGH SEPTEMBER 2019	2,975.40
8488	10/23/2019	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 10/11/19	179.06
8489	10/23/2019	[2411] DEARBORN NATIONAL LIFE INSURANCE	LIFE INSURANCE FOR NOVEMBER 2019	150.00
8490	10/23/2019	[4451] HARBOR FREIGHT TOOLS	MISC SMALL TOOLS	345.00
8491	10/23/2019	[2750] HD Supply Facility Maintenance DBA: USA	DEEP BLUE PTT CONCENTRATE	539.07
8492	10/23/2019	[2474] HUMMEL TIRE & WHEEL, INC	TWO TIRES FOR GENERATOR	135.88
8493	10/23/2019	[5942] KEENAN & ASSOCIATES	HEALTH INSURANCE FOR NOVEMBER 2019	273.79
8494	10/23/2019	[2501] KEENAN SUPPLY	ROMAC CLAMPS; METER VALVES; BRASS NIPPLES; MARKING PAINT	19,062.40
8495	10/23/2019	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS	1,191.60
8496	10/23/2019	[2569] NORTH COAST LABORATORIES, INC.	BOD/NFR, EPA 3050B METALS DIGESTION; EPA 6010B; FECAL COLIFORM BACTERIA 3XS; MERCURY; PERCENT MOISTURE	41.97
8497	10/23/2019	[4393] NYLEX.net. Inc.	SIX APC BATTERY BACK-UPS	371.00
8498	10/23/2019	[2754] US CELLULAR	MONTHLY SERVICE FOR SAFETY PHONE 10/8/19 - 11/7/19	1,942.31
8499	10/23/2019	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 10/11/19	58.83
8500	10/23/2019	[5166] VSP-VISION SERVICE PLAN	VISION INSURANCE FOR NOVEMBER 2019	6,625.98
8501	10/23/2019	[2772] WENDT CONSTRUCTION, INC	ONE DAY RENTAL FOR 35 KW GENERATOR; 261.78 GAL FUEL	365.12
8502	10/29/2019	[2283] COASTAL BUSINESS SYSTEMS	LEXMARK XM3250 MONO LASER COPY MACHINE	1,213.73
8503	10/29/2019	[6493] SCOTT J GUY	CLOTHING ALLOWANCE REIMBURSEMENT	2,731.05
8504	10/29/2019	[6834] JOHN MCCUTCHEON	PROFESSIONAL SERVICES FOR MONUMENT RD HOMICIDE CASE # DA 19-0387	189.86
8505	10/29/2019	[2501] KEENAN SUPPLY	ROMAC SS RPR CLAMP	360.00
8506	10/29/2019	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS	14.41
8507	10/29/2019	[5934] NORTH COAST JOURNAL	EMPLOYMENT ADVERTISEMENT FOR OIT & FINANCE DIRECTOR THROUGH ONLINE PORTAL, EMPLOYMENT ADVERTISEMENT FOR OIT & FINANCE DIRECTOR	43.49
35				228.00

**City of Rio Dell**  
**Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
8508	10/29/2019	[6177] SANDERS, TAMERA	CUSTOMER DEPOSIT REFUND	57.11
8509	10/29/2019	[2319] SUDDENLINK COMMUNICATIONS	PUBLIC WORKS INTERNET & CITY HALL/PD/ PW PHONE SERVICES 10/10/19 - 11/9/19	411.61
8510	10/29/2019	[6366] TOMPKINS, BEVERLY(1)	CUSTOMER DEPOSIT REFUND	300.00
8511	10/29/2019	[2779] WILDWOOD SAW	STIHL TRIMMER LINE	34.70
8512	10/29/2019	[5568] DIVISION OF THE STATE ARCHITECT	FILING FEE FOR ACCESS COMPLIANCE-SAFE ROUTES TO SCHOOL PROJECT	515.00
8513	10/31/2019	[2757] US POSTMASTER	POSTAGE FOR UTILITY BILLING FOR THE MONTH OF OCTOBER 2019	355.88
<b>Total Checks/Deposits</b>				<b>453,352.59</b>

Ref#	Date	Vendor	Description	Amount
080-448	10/07/2019	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 09/27/2019	-2289.27
5294908	10/07/2019	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 09/27/2019	-13151.10
654426	10/15/2019	ELECTRONIC FUNDS TRANSFER	EFT FOR AFLAC INSURANCE FOR SEPTEMBER 2019.	-474.36
9424199	10/21/2019	WITHDRAWAL	BANK ANALYSIS FEE FOR OCTOBER 2019	-147.08
834-176	10/21/2019	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR FINAL PAYCHECK FOR PW EMPLOYEE	-84.46
5834176	10/21/2019	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR FINAL PAYCHECK.	-84.46
473720	10/21/2019	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR FINAL PAYCHECK FOR PW EMPLOYEE	-525.08
260028	10/21/2019	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 10/11/19.	-12060.92
1190	10/21/2019	WITHDRAWAL	DEPOSITED ITEM RETURNED	-162.91
1074	10/22/2019	WITHDRAWAL	DEPOSITED ITEM RETURNED	-155.71
1411362	10/28/2019	ELECTRONIC FUNDS TRANSFER	EFT EFTPS PAYROLL TAXES FOR FINAL PAYCHECK	-525.08
1107	10/29/2019	WITHDRAWAL	DEPOSITED ITEM RETURNED	-141.56
<b>Total EFT's/Bank Withdrawals</b>				<b>-29,801.99</b>

Ref#	Date	Vendor	Description	Amount
TRX TO PR	10/02/19	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCOUNT FOR PPE 09/27/2019	-33,728.06
TRX TO PR	10/15/2019	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCOUNT FOR PPE 10/11/2019	-31,474.87
TRX TO PR	10/23/2019	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCOUNT FOR PPE 10/18/2019 FINAL PAYCHECK	-1,423.40
TRX TO PR	10/28/2019	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCOUNT FOR PPE 10/25/2019	-31,562.18
<b>Total Transfer Between Accounts</b>				<b>-98,188.51</b>



## **Staff Update – 2019-11-19**

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### **City Council**

#### **City Manager**

Attended two Humboldt County Planning Commission meetings on Terra Gen wind energy project. Review of Final EIR.

Arranged and attended meeting with the Wiyot and Mayor Garnes on Bear River Ridge.

Discussion with State Parks over grant application processes.

ATP Project bid award delayed – we expect to make recommendation at the Council's December 3<sup>rd</sup> meeting.

Met with US Census 2020 staff to discuss strategies.

#### **City Clerk**

Processed eight (8) Building Permit Applications:

- 1) 750 Wildwood Ave. – Light Pole
- 2) 486 Third Ave. – Water Heater
- 3) 112 Elko St. – Sewer Cleanout
- 4) 186 Elm St. – Re-Roof Residence
- 5) 548 Pacific Ave. - Re-Roof Residence
- 6) 655 Rigby Ave. – Re-Roof and Siding
- 7) 219 Ogle Ave. – Sewer Lateral
- 8) 110 Davis St. – Nine New Vinyl Windows

Processed one (1) Business License Application:

- 1) George Young Construction

Misc.

Submitted Monthly CHF/CIRB Building Activity Report

Submitted Monthly Employment Report to Bureau of Labor Statistics

Submitted Article II List of Filers to Fair Political Practices Commission (FPPC)

#### **City Attorney**



## Human Resources, Risk & Training

### Finance Department

### Public Works Water

### Public Works Wastewater

### Public Works Streets, Buildings and Grounds

### Public Works City Engineer

### Public Works Capital Projects

### Police Department

The Department had the following statistics for the period of October 30, 2019 to November 12, 2019. This period of time saw a higher than average number of calls for service, a lower than average number of reports, and a below average number of arrests. While the number of arrests declined, five persons were detained for mental health evaluations during this time period. The homicide investigation continued to consume a significant portion of Chief Conner's time during this reporting period.

Officer	Calls for Service	Reports	Arrests
Conner	16	1	0
Beauchaine	3	3	0
Carnahan	7	2	1
Landry	25	5	3
Mitchell	20	4	1
Valk	6	1	0
Fielder	15	0	0
Totals	99 (7 unassigned)	16	5
Averages	7.1 per day	8.0 per week	2.5 per week
2018 Yearly Average	5.1 per day	10.6 per week	3.6 per week

During the period of October 30, 2019 to November 12, 2019, there were three calls for service related to animal control issues. Two dogs were transported to Miranda's Rescue during this reporting period.

On November 1, 2019, Officers Landry and Mitchell checked on a woman who was acting in an erratic manner. They located a rifle and a pistol on the woman's front porch, both of which were unloaded. An evaluation was conducted and it was determined that the woman should be detained for a mental health evaluation at Sempervirens. The two weapons were seized and before the woman was transported to Eureka, she gave consent to Officer Landry to search for additional weapons. Officer Landry located two more firearms, as well as two hand grenades. The Sheriff's Department bomb squad was contacted and the immediate neighbors were advised of the situation. When the bomb squad arrived, they took control of the grenades, transported them to a location on Blue Slide Road and



destroyed them with explosives. It was not possible to determine if the grenades were live or inert before their destruction. No criminal charges are pending at this time.

On November 5, 2019, at about 0400 hours, Officer Carnahan was called back to duty to deal with a man who was acting in an erratic manner. He located the man lying on the lawn of a house on Eeloa. The man continued to refer to himself as Lucifer and would not obey Officer Carnahan's commands. A short struggle ensued. When the man pulled away and then came at Officer Carnahan in an aggressive manner, Officer Carnahan deployed his taser. This allowed the man to be taken into custody. He as then transported to Sempervirens in Eureka for a mental health evaluation.

### **Code Enforcement**

During the period of October 30, 2019 to November 12, 2019, the Department opened four new junk vehicle cases and did not close any. There were ten open cases at the end of the time period that this report covers.

During the period of October 30, 2019 to November 12, 2019, the Department did not open any new code enforcement cases. During the same time period, the Department closed three cases. One dealt with solid waste that was abated by the owner of the property. Another was for excessive vegetation and the field was mowed by the owner. The third was a duplicate case that had been entered by mistake. There are currently 52 open cases.

### **Community Development Department**

#### **Intergovernmental**

#### **Humboldt-Rio Dell Business Park**



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675 Wildwood Avenue  
Rio Dell, CA 95562-1597  
(707) 764-5642 Hall

**For Meeting of: November 19, 2019**  
☐ Consent Item; ☐ Public Hearing Item

To: City Council  
From: Jeff Conner, Chief of Police  
Through: Kyle Knopp, City Manager  
Date: November 14, 2019  
Subject: Discussion of the Police Department's Code Enforcement Efforts

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**Recommendation:**

That the City Council:

That the City Council discuss the Police Departments code enforcement efforts with staff and the community and give direction to staff if appropriate.

**Discussion**

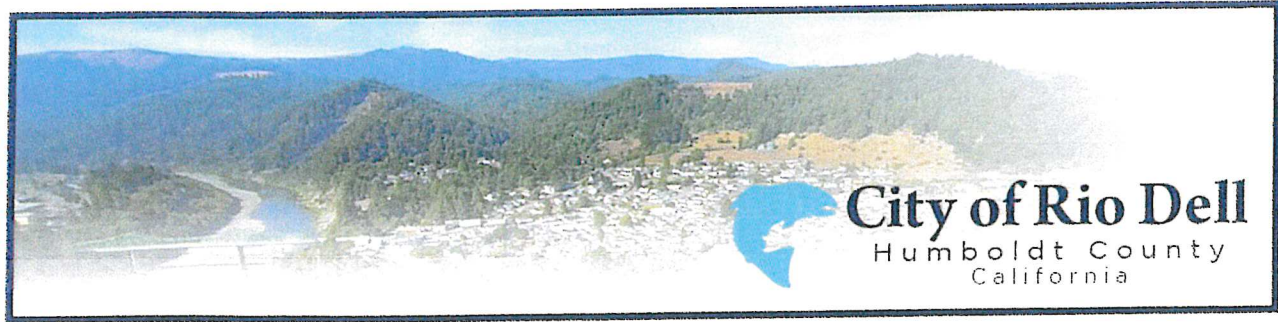
During the regularly scheduled City Council meeting of October 1, 2019, Mayor Pro Tem Julie Woodall requested that an item be placed on the agenda of the next council meeting to discuss the City's code enforcement efforts. This item was delayed until the meeting of November 19, 2019, as there were only three councilmembers present for the October 15, 2019, meeting and Mayor Pro Tem Woodall was absent from the November 5, 2019 meeting.

**Attachment:**

A list of the current code enforcement cases and those closed within the last year.

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## Code Enforcement Case Detail Report

### Report Criteria:

Status	Priority	Violation Status	Assigned To	Violation	Property Type	CDBG Eligibility	Open Date Range	Follow up Date Range	Close Date Range	Initiation Type
All Open	All	All	All	All	All	All	From To	From To	From To	

### Report Details

Case#	aFM Cases	Status	Violation(s)	Priority	Street Number	Street Direction	Street Name	Street Type	Unit	Zip	Initiation	Open Date	Age (days)	Assigned To
CE19-87		Case Initiated	Solid Waste - Open	Medium	45		Davis	St		95562	Citizen Initiated	10/16/2019	29	Conner, Jeff
CE19-86		Notice to Correct Served	Solid Waste - Open Substandard Housing - Open Violation of 2016 California Building Code - Open	Medium	367		Berkeley	St		95562	Officer Initiated	10/07/2019	38	Conner, Jeff
CE19-85		Notice to Correct Served	Solid Waste - Open	Medium	115		Berkeley	St		95562	Officer Initiated	09/30/2019	45	Conner, Jeff
CE19-84		Case Initiated	Camping Prohibited - Open	Medium	175		Davis	St		95562	Citizen Initiated	09/24/2019	51	Conner, Jeff
CE19-83		Case Initiated	Public Nuisance - Open	Medium	388		Painter	St		95562	Citizen Initiated	09/16/2019	59	Conner, Jeff
CE19-82		Case Initiated	Solid Waste - Open Camping Prohibited - Open Junk Vehicles - Open	Medium	611		Wildwood	Ave		95562	Citizen Initiated	09/12/2019	63	Conner, Jeff
CE19-81		Case Initiated	Public Nuisance - Open	Medium	150		Birch	St		95562	Citizen Initiated	09/12/2019	63	Conner, Jeff
CE19-80		Case Initiated	Excessive Vegetation - Open	Medium	527		First	Ave		95562	Citizen Initiated	09/12/2019	63	Conner, Jeff
CE19-79		Case Initiated	Excessive Vegetation - Open Solid Waste - Open	Medium	928		Bluff	Pl		95562	Citizen Initiated	08/06/2019	100	Conner, Jeff
CE19-78		Case Initiated	Excessive Vegetation - Open Solid Waste - Open	Medium	1572		Eeloa	Ave		95562	Citizen Initiated	08/01/2019	105	Conner, Jeff
CE19-73		Notice of Violation Served	Violation of Commercial Cannabis Cultivation Land Use Regulations - Open Violation of 2016 California Building Code - Open	Medium	1150		Dinsmore Ranch	Rd		95562	Officer Initiated	06/17/2019	150	Conner, Jeff
CE19-53		Notice to Correct Served	Solid Waste - Open	Medium	230		Ogle	Ave		95562	Citizen Initiated	05/23/2019	175	Conner, Jeff
CE19-52		Property Inspected	Violation of Short Term Rental Ordinance - Open	Low	210		Bellevue	Ave		95562	Citizen Initiated	05/19/2019	179	Conner, Jeff
CE19-51		Notice to Correct Served	Violation of Short Term Rental Ordinance - Open	Medium	174		Grayland Heights	Rd		95562	Citizen Initiated	05/19/2019	179	Conner, Jeff
CE19-50		Case Initiated	Violation of Short Term Rental Ordinance - Open	Medium	1199		Riverside	Dr		95562	Citizen Initiated	05/19/2019	179	Conner, Jeff
CE19-49		Notice to Correct Served	Violation of Short Term Rental Ordinance - Open	Low	90		Redwood	Ave		95562	Citizen Initiated	05/19/2019	179	Conner, Jeff
CE19-48		Notice to Correct Served	Violation of Short Term Rental Ordinance - Open	Low	1221		Riverside	Dr		95562	Officer Initiated	05/01/2019	197	Conner, Jeff
CE19-47		Notice and Order Served	Solid Waste - Open Unsafe Structure - Open	Medium	215		Monument	Rd		95562	Officer Initiated	04/03/2019	225	Conner, Jeff
CE19-46		Notice of Violation Served	Junk Vehicles - Open Violation of Commercial Cannabis Cultivation Land Use Regulations - Open Violation of 2016 California Building Code - Open	Medium	290		Willow	St		95562	Officer Initiated	02/21/2019	266	Conner, Jeff
CE19-44		Case Initiated	Violation of 2016 California Building Code - Open	Medium	229		Ogle	Ave		95562	Officer Initiated	11/27/2018	352	Conner, Jeff
CE18-43		Case Initiated	Excessive Vegetation - Open	Medium	235		Bellevue	Ave		95562	Officer Initiated	12/05/2018	344	Conner, Jeff

CE18-42	Case Initiated	Violation of 2016 California Building Code - Open	Medium	1110	Pacific	Ave	95562	Officer Initiated	11/21/2018	358	Conner, Jeff
CE18-41	Case Initiated	Solid Waste - Open Solid Waste - Open	Medium	590	Gunnerson	Lane	95562	Citizen Initiated	10/31/2018	379	Conner, Jeff
CE18-40	Case Initiated	Solid Waste - Open Junk Vehicles - Open	Medium	508	4th	Ave	95562	Citizen Initiated	10/31/2018	379	Conner, Jeff
CE18-35	Case Initiated	Substandard Housing - Open	Medium	192	Bellevue	Ave	95562	Citizen Initiated	08/27/2018	444	Conner, Jeff
CE18-33	Case Initiated	Public Nuisance - Open	Medium	925	Hilda	Ct	95562	Officer Initiated	08/09/2018	462	Conner, Jeff
CE18-32	Case Initiated	Solid Waste - Open Junk Vehicles - Open Public Nuisance - Open	Medium	168	Ogle	Ave	95562	Officer Initiated	07/14/2018	488	Conner, Jeff
CE18-31	Case Initiated	Excessive Vegetation - Open	Medium	270	Monument	Rd	95562	Citizen Initiated	08/06/2018	465	Conner, Jeff
CE18-30	Case Initiated	Public Nuisance - Open	Medium	377	Cherry	Lane	95562	Citizen Initiated	08/06/2018	465	Conner, Jeff
CE18-29	Notice to Correct Served	Solid Waste - Open	Medium	65	Davis	St	95562	Officer Initiated	07/02/2018	500	Conner, Jeff
CE18-24	Case Initiated	Solid Waste - Open	Medium	921	Hilda	Ct	95562	Officer Initiated	11/01/2017	743	Conner, Jeff
CE18-21	Case Initiated	Solid Waste - Open	Medium	540	1st	Ave	95562	Officer Initiated	09/05/2017	800	Conner, Jeff
CE18-20	Notice to Correct Served	Violation of Kennel Regulations - Open	Medium	1066	Riverside	Dr	95562	Officer Initiated	09/01/2017	804	Conner, Jeff
CE18-19	Case Initiated	Violation of 2016 California Building Code - Open	Medium	310	1st	Ave	95562	Citizen Initiated	08/05/2017	831	Conner, Jeff
CE18-18	Notice to Correct Served	Excessive Vegetation - Open Unsecured Vacant Structure - Open	Medium	888	Rigby	Ave	95562	Officer Initiated	07/14/2017	853	Conner, Jeff
CE18-17	Case Initiated	Solid Waste - Open Improper Parking - Open	High	250	Tolman	Rd	95562	Citizen Initiated	05/18/2017	910	Conner, Jeff
CE18-16	Abatement Completed	Solid Waste - Open Junk Vehicles - Open Camping Prohibited - Open	High	851	Rio Dell	Ave	95562	Officer Initiated	04/24/2018	569	Conner, Jeff
CE18-15	Notice of Violation Served	Solid Waste - Open	Medium	483	4th	Ave	95562	Officer Initiated	03/13/2017	976	Conner, Jeff
CE18-14	Notice to Correct Served	Solid Waste - Open	High	483	3rd	Ave	95562	Officer Initiated	10/01/2016	1139	Conner, Jeff
CE18-13	Notice to Correct Served	Solid Waste - Open	Medium	66	Davis	St	95562	Officer Initiated	01/20/2017	1028	Conner, Jeff
CE18-12	Case Initiated	Excessive Vegetation - Open Solid Waste - Open	Medium	349	Cherry	Lane	95562	Citizen Initiated	10/27/2016	1113	Conner, Jeff
CE18-11	Notice to Correct Served	Excessive Vegetation - Open Improper Parking - Open Junk Vehicles - Open	Medium	1580	Eeloa	Ave	95562	Officer Initiated	03/25/2016	1329	Conner, Jeff
CE18-10	Case Initiated	Solid Waste - Open Junk Vehicles - Open Excessive Vegetation - Open	Medium	909	Martin	Dr	95562	Officer Initiated	08/01/2013	2296	Conner, Jeff
CE18-9	Notice to Correct Served	Improper Parking - Closed Solid Waste - Open Junk Vehicles - Open	High	286	Ogle	Ave	95562	Officer Initiated	03/30/2016	1324	Conner, Jeff
CE18-8	Notice of Violation Served	Excessive Vegetation - Open Unsafe Structure - Open	Medium	282	Bellevue	Ave	95562	Officer Initiated	01/08/2016	1406	Conner, Jeff
CE18-7	Notice and Order Served	Violation of 2016 California Building Code - Open Public Nuisance - Open	High	61	Monument	Rd	95562	Officer Initiated	06/01/2013	2357	Conner, Jeff
CE18-6	Case Initiated	Junk Vehicles - Open Solid Waste - Open Excessive Vegetation - Open	High	875	Pacific	Ave	95562	Citizen Initiated	06/15/2016	1247	Conner, Jeff
CE18-5	Notice and Order Served	Junk Vehicles - Open Solid Waste - Open Excessive Vegetation - Open	High	833	Pacific	Ave	95562	Officer Initiated	07/01/2017	866	Conner, Jeff
CE18-4	Case Initiated	Violation of 2016 California Building Code - Open	Medium	560	1st	Ave	95562	Officer Initiated	08/04/2016	1197	Conner, Jeff
CE18-3	Notice to Correct Served	Excessive Vegetation - Open Unsafe Structure - Open	Medium	474	Walker	Lane	95562	Officer Initiated	07/14/2016	1218	Conner, Jeff
CE18-2	Notice of Violation Served	Violation of Commercial Cannabis Cultivation Land Use Regulations in the Industrial Commercial Zone - Open Violation of Zoning Code for Industrial Commercial Zone - Open	High		Northwestern	Ave	95562	Officer Initiated	04/07/2018	586	Conner, Jeff

Violation of 2016 California  
Building Code - Open

CE18-1	Notice to Correct Served	Solid Waste - Open	Medium 260	Belleview	Ave	95562	Officer Initiated	03/06/2018 618	Conner, Jeff
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Number of Cases: 52



## Code Enforcement Case Detail Report

### Report Criteria:

Status	Priority	Violation Status	Assigned To	Violation	Property Type	CDBG Eligibility	Open Date Range	Follow up Date Range	Close Date Range	Initiation Type
All Closed	All	All	All	All	All	All	From To	From To	From 11/19/2018 To 11/19/2019	

### Report Details

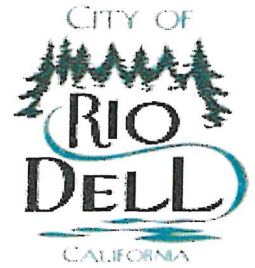
Case#	EFM Case#	Status	Violation(s)	Priority	Street Number	Street Direction	Street Name	Street Type	Unit	Zip	Initiation	Open Date	Age (days)	Assigned To
CE19-88		Closed - Abated by Owner	Solid Waste - Closed	Medium	105		Douglas	St		95562	Citizen Initiated	10/16/2019	22	Conner, Jeff
CE19-77		Closed - Abated by Owner	Excessive Vegetation - Closed	Medium			First	Ave		95562	Citizen Initiated	06/18/2019	14	Conner, Jeff
CE19-76		Closed - Abated by Owner	Excessive Vegetation - Closed	Medium	430		Painter	St		95562	Citizen Initiated	06/11/2019	153	Conner, Jeff
CE19-75		Closed - Abated by Owner	Excessive Vegetation - Closed	Medium	95		Center	St		95562	Officer Initiated	06/18/2019	13	Conner, Jeff
CE19-74		Closed - Abated by Owner	Violation of Commercial Cannabis Cultivation Land Use Regulations - Closed	Medium	295		Stream	St		95562	Officer Initiated	06/17/2019	30	Conner, Jeff
CE19-72		Closed - Abated by Owner	Camping Prohibited - Closed	Medium	661		Rigby	Ave		95562	Citizen Initiated	06/16/2019	24	Conner, Jeff
CE19-71		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	290		Orchard	Pl		95562	Officer Initiated	06/11/2019	64	Conner, Jeff
CE19-70		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium			Monument Alleyway			95562	Citizen Initiated	06/11/2019	64	Conner, Jeff
CE19-69		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium			Monument Alleyway			95562	Citizen Initiated	06/11/2019	64	Conner, Jeff
CE19-68		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium			Walnut	Dr		95562	Citizen Initiated	06/11/2019	36	Conner, Jeff
CE19-67		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	315		Wildwood	Ave		95562	Citizen Initiated	06/11/2019	36	Conner, Jeff
CE19-66		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	171		Monument	Rd		95562	Officer Initiated	06/11/2019	64	Conner, Jeff
CE19-65		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	70		Monument	Rd		95562	Officer Initiated	06/11/2019	36	Conner, Jeff
CE19-64		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	115		Berkeley	St		95562	Officer Initiated	06/11/2019	36	Conner, Jeff
CE19-63		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	95		First	Ave		95562	Citizen Initiated	06/11/2019	36	Conner, Jeff
CE19-62		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	175		Wildwood	Ave		95562	Citizen Initiated	06/11/2019	64	Conner, Jeff
CE19-61		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	455		Wildwood	Ave		95562	Citizen Initiated	06/11/2019	64	Conner, Jeff
CE19-60		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	601		Gunnerson	Lane		95562	Officer Initiated	06/11/2019	36	Conner, Jeff
CE19-59		Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	791		Rigby	Ave		95562	Officer Initiated	06/11/2019	64	Conner, Jeff
				Medium	410		Davis	St		95562		06/11/2019	36	



CE19-58	Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed						Citizen Initiated			Conner, Jeff
CE19-57	Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	158	Painter	St	95562	Citizen Initiated	06/11/2019	36	Conner, Jeff
CE19-56	Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	917	Martin	Dr	95562	Citizen Initiated	06/11/2019	36	Conner, Jeff
CE19-55	Closed - Unfounded	Excessive Vegetation - Closed Solid Waste - Closed	Medium	1550	Eeloa	Ave	95562	Citizen Initiated	06/11/2019	153	Conner, Jeff
CE19-54	Closed - Abated by Owner	Excessive Vegetation - Closed Solid Waste - Closed	Medium	1250	Eeloa	Ave	95562	Citizen Initiated	06/11/2019	36	Conner, Jeff
CE19-45	Closed - Abated by Owner	Solid Waste - Closed Substandard Housing - Closed	Medium	745	Ireland	St	95562	Citizen Initiated	01/29/2019	140	Conner, Jeff
CE18-38	Closed - Abated by Owner	Violation of Commercial Cannabis Cultivation Land Use Regulations - Closed Junk Vehicles - Closed	Medium	236	2nd	Ave C	95562	Officer Initiated	09/04/2018	109	Conner, Jeff
CE18-37	Closed - Abated by Owner	Violation of Commercial Cannabis Cultivation Land Use Regulations - Closed	Medium	351	2nd	Ave	95562	Officer Initiated	09/04/2018	179	Conner, Jeff
CE18-36	Closed - Abated by Owner	Solid Waste - Closed	Medium	408	2nd	Ave	95562	Officer Initiated	08/27/2018	126	Conner, Jeff
CE18-28	Closed - Abated by Owner	Camping Prohibited - Closed	Medium		Riverbar		95562	Officer Initiated	07/24/2018	189	Conner, Jeff
CE18-27	Closed - Abated by Owner	Junk Vehicles - Closed Solid Waste - Closed Substandard Housing - Closed	Medium	540	2nd	Ave	95562	Officer Initiated	05/28/2018	208	Conner, Jeff
CE18-26	Closed - Abated by Owner	Substandard Housing - Closed	Medium	1111	Riverside	Dr	95562	Officer Initiated	05/23/2018	239	Conner, Jeff
CE18-25	Closed - Abated by City	Camping Prohibited - Closed Solid Waste - Closed Junk Vehicles - Closed	High	560	Painter	St	95562	Citizen Initiated	05/09/2018	320	Conner, Jeff

Number of Cases: 32

*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
cityofriodell.ca.gov*



November 19, 2019

TO: Rio Dell City Council  
FROM: Kyle Knopp, City Manager  
SUBJECT: Discussion on Syringe Exchange

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff, if any.

BACKGROUND AND DISCUSSION

A copy of the City of Fortuna's ordinance regarding Syringe Exchange Programs (SEP) was distributed by Councilmember Woodall to the City Council. At the Council's November 5<sup>th</sup> meeting, Councilmember Strahan requested that this be agendaized for discussion and the Council agreed.

Attached:

City of Fortuna Ordinance on Syringe Exchange Programs and Safe Disposal of Sharps.  
City of Rio Dell Agenda item from December 4, 2018 on the subject.  
City of Rio Dell Minutes from the December 4, 2018 City Council meeting.  
Correspondence issued by the City on the subject, December 6, 2018.

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# City of Fortuna

## Chapter 8.40

### SYRINGE EXCHANGE PROGRAMS AND SAFE DISPOSAL OF SHARPS

Sections:

[8.40.010 Definitions.](#)

[8.40.020 Regulation of syringe exchange programs \(SEPs\).](#)

[8.40.030 Disposal of sharps.](#)

[8.40.040 Enforcement.](#)

[8.40.050 Severability.](#)

#### **8.40.010 Definitions.** SHARE

For the purpose of this chapter, the following terms have the meanings given below:

- A. “City council” refers to the city council of the city of Fortuna.
- B. “City” means the city of Fortuna, California.
- C. “City manager” means the city manager of the city of Fortuna and/or his or her designee.
- D. “County” means the county of Humboldt, California.
- E. “Drug” means: (1) articles recognized in the official United States Pharmacopoeia, the official National Formulary, the official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of humans or other animals; and (4) articles intended for use as a component of any article specified in subsection (E)(1), (2) or (3) of this section. Notwithstanding the foregoing sentence, “drugs” does not include or mean medical devices, their component parts or accessories.
- F. “Person” means an individual, firm, sole proprietorship, corporation, limited liability company, general partnership, limited partnership, limited liability partnership, association, cooperative, or other entity of any kind or nature, however organized.

G. “Provider” means any person that sells or otherwise furnishes drugs or sharps to consumers at a medical or veterinary office, clinic, hospital or approved needle-exchange program located in the city.

H. “Sharps” means one or more hypodermic needles, pen needles, intravenous needles, lancets and other devices used to penetrate the skin for drawing blood, or for the delivery of medications or drugs.

I. “Sharps container” means a rigid puncture-resistant container used in patient care or research activities meeting the standards of and receiving approval from the United States Food and Drug Administration as a medical device used for the collection of discarded medical needles or other sharps.

J. “Syringe exchange programs” (SEPs) means a program operating within the jurisdictional boundaries of the city of Fortuna that provides sterile syringes, collects used ones, or acts as a point of access to health education and care for people who inject drugs. (Ord. 2019-733 § 1).

#### **8.40.020 Regulation of syringe exchange programs (SEPs).** SHARE

A. Syringe exchange programs shall operate in conformance with California Health and Safety Code Sections [121349](#) through [121349.3](#) and the applicable regulations set forth in Sections 7000 through 7016 of Title 17 of the California Code of Regulations (or as may be amended) as part of a network of comprehensive services to combat the spread of HIV and blood-borne hepatitis infection among injection drug users.

B. A provider interested in administering a clean needle and syringe exchange program in the city shall notify the city manager prior to beginning the program and shall comply with any program rules and regulations established by the city for administration of the program.

C. Sharps shall be issued on a one-for-one basis; one new sharp may be issued for each used sharp returned. The number of clean sharps issued is not limited by this chapter except as may be determined by the number of used sharps returned.

D. SEPs are allowed to operate at approved locations only. SEPs shall propose the location for review and approval by the city manager. SEPs shall only operate at location(s) approved by the city manager in advance. SEPs shall obtain written permission prior to operating on any public or private property. No SEP shall operate within the public right-of-way without written permission from the city.

E. A provider shall report to the city manager, on an annual basis, statistics that include but need not be limited to:

1. Number of individual clients served;
2. Number of needles distributed;

3. Number of needles returned/collected;
4. The location of the returned/collected needles; and
5. The number of referrals made for other services.

Provider shall provide more frequent reporting of these statistics, as often as quarterly, upon request by the city manager.

F. SEPs must demonstrate a plan and implementation for injection drug users to seek treatment for substance abuse, and provide referral for substance abuse treatment and other preventative health care services to participants in the program. SEPs shall submit this plan to the city prior to commencing operation.

G. SEPs shall develop a plan for the clean-up of used needles and submit that plan to the city manager for review and approval prior to operation. At a minimum, any SEP operating within the city shall organize and participate in area clean-ups of used needles on a regular basis and provide syringe disposal kiosk(s) as outlined in the clean-up plan.

H. SEPs shall issue identification cards for employees and volunteer workers for the program.

I. If the SEP is operating out of a motor vehicle, the motor vehicle shall be clearly marked with the general type of services being provided, and a contact phone number for the provider responsible for oversight of the program.

J. SEPs are not allowed to operate within 1,000 feet of a city park, and elementary and/or secondary school meeting all of the requirements of the compulsory education laws of the state or a licensed day care center.

K. SEPs are required to ensure that sharps are disposed of at the organizational level in conformance with OSHA standards at no cost to the city. (Ord. 2019-733 § 1).

#### **8.40.030 Disposal of sharps.** SHARE

A. Home-generated sharps as well as sharps generated from individual and group clean-ups shall be transported to a collection container or center that is permitted by state regulations to receive them. Loose disposal of sharps waste in trash or recycling containers is prohibited.

B. No provider shall dispose of their sharps in the city owned or provided kiosks or sharps containers. (Ord. 2019-733 § 1).

#### **8.40.040 Enforcement.** SHARE

A. Civil Penalties – Enforcement. The city may enforce this chapter in any manner permitted by law. The violation of this chapter shall be and is hereby declared a public nuisance and shall, at the discretion of the city, create a cause of action for injunctive relief. (Ord. 2019-733 § 1).

#### **8.40.050 Severability.** SHARE

If any subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have adopted this chapter, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the chapter would be subsequently declared invalid or unconstitutional. (Ord. 2019-733 § 1).



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December 4, 2018

TO: Rio Dell City Council  
FROM: Kyle Knopp, City Manager  
SUBJECT: Discussion on Syringe Exchange Programs

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff:

Possible City Council options to pursue:

1. Ordinance ban on syringe exchanges – There is an example of a time-limited ban on syringe exchange programs out of the City of Costa Mesa. Its applicability to Rio Dell or effectiveness is unknown and it appears to be in the hands of the Orange County courts. Additional research and City Attorney time is required.
2. Regulated approach: Placement of certain terms for needle exchange activity in the City of Rio Dell, such as active needle clean-ups. An example of this approach is an ordinance passed by the City of Eureka. Additional research and City Attorney time is required.
3. Issue a position statement: Issue an advisory letter or resolution to the State and other involved parties expressing the City's position on SEPs being authorized or active in Rio Dell.
4. Request Needle Exchange Services: Humboldt Area Center for Harm Reduction (HACHR) has expressed its interest in beginning community outreach if the Council requests.
5. Direct staff to research enhanced needle disposal options for Rio Dell.
6. Continue the item for a discussion after the new members of the Council are seated.
7. Request a presentation from public health professionals and/or needle exchange providers.
8. Take no action.



## BACKGROUND AND DISCUSSION

At the Council November 20<sup>th</sup> meeting, it was requested by Councilmember Strahan, and agreed to by the Council that an item related to needle exchanges and state law be placed on the agenda.

### **Current Syringe Related Law:**

Health and Safety (H&S) Code Section 121349 outlines two mechanisms by which a Syringe Exchange Program (SEP) may be authorized to operate.

1. SEPs may be authorized by county or city government; and/or
2. Programs may be authorized by the California Department of Public Health, Office of AIDS (CDPH/OA) in any location where the department determines that the conditions exist for rapid spread of HIV, viral hepatitis, or other blood-borne diseases.

In 2012, Assembly Bill (AB) 604, (Skinner, Chapter 744, Statutes of 2011) granted authority to the California Department of Public Health, Office of AIDS to permit needle exchange organizations to apply directly to the State for authorization to provide syringe exchange services.

As of January 1, 2015, licensed pharmacists have the discretion to sell hypodermic needles and syringes to adults age 18 and older without a prescription to reduce the spread of HIV, hepatitis C and other blood-borne diseases. There is no limit on the number of needles and syringes that may be sold to or possessed by a customer.

### **Recent Signed State Legislation:**

AB 1810: Eliminates the sunset provision for the California Department of Public Health (CDPH) to authorize needle exchange programs, amongst other changes. The previous sunset date was January 1, 2019.

SB 212: Creates a statewide takeback system for syringes and other pharmaceutical waste.

### **Prevalence of Discarded Needles in Rio Dell:**

Staff reports that improperly discarded needles have been found in various locations throughout Rio Dell, including the public garbage bins, median islands and wastewater collection system. It is not known if the current rate of these discoveries is higher or lower than in the past.

### **Possible Sources of Syringes:**

- HACHR: Staff has confirmed syringe exchange locations in Eureka and Arcata. At this time, they do not operate a SEP in Rio Dell and do not have plans to do so. Syringe users could travel to HACHR's current operating locations and return to Rio Dell.
- Palco pharmacy: Staff has confirmed that syringe purchase is available for non-prescription buyers. Disposal is also available.

- Other area pharmacies: Other pharmacies in the area may provide syringes for non-prescription purchase. Walgreens in Fortuna is confirmed to sell syringes for non-prescription purchasers.
- North Coast AIDS Project (NorCAP): Operates a Syringe Service Program (SSP) with a mobile outreach van. Services include syringe exchange, amongst other services. This service has been provided to residents of Rio Dell since the late 1980's and NorCAP staff report that there is currently one client in Rio Dell. NorCAP staff report that they have provided services in Rio Dell in the past but have not done so recently.
- Peer-to-Peer: Other individual needle users may bring needles into town and engage in an informal transaction with other needle users.

#### **Known No-Charge Syringe Disposal Locations:**

- Humboldt Sanitation, McKinleyville
- Recology Eel River Transfer Station, Fortuna
- Palco Pharmacy, Scotia
- Redway Solid Waste Transfer Station, Redway-Garberville
- HWMA Solid Waste Transfer Station, Eureka
- Adorni Center, Eureka
- Eureka City Hall
- Eureka Police Department
- Wharfinger Building, Eureka

#### **Local Syringe Exchange Issues**

On October 8, 2018 the California Department of Public Health authorized the Humboldt Area Center for Harm Reduction (HACHR) to begin operating or continue to operate needle exchange programs in Humboldt County; specifically Eureka, Arcata, Fortuna, Orick, McKinleyville and Willow Creek. The State approved this authorization despite several letters of opposition from members of the Eureka community. The State has also determined that conditions exist for the rapid spread of HIV, viral hepatitis, or other blood-borne diseases in Humboldt County.

#### **Council Authority / Local Control of Needle Exchanges**

While CDPH is required to provide public notice and consult with local law enforcement and local health officials, they are not required to seek local government permission to authorize a needle exchange.

A syringe exchange ban authorized by local governments in Orange County is currently under review by the courts in Orange County.

#### **Contacts**

Carol Crump ([carol.crump@cdph.ca.gov](mailto:carol.crump@cdph.ca.gov)) who oversees the State SEP certification program

Alessandra Ross ([alessandra.ross@cdph.ca.gov](mailto:alessandra.ross@cdph.ca.gov)) who is CDPH's Harm Reduction Unit director

Brandie Wilson ([hachr707@gmail.com](mailto:hachr707@gmail.com)) who is the director of Humboldt Area Center for Harm Reduction

Additional reading material is attached.

**Attachments:**

1. Syringe Exchange Programs in California: An Overview
2. California Legal Code Related to Access to Sterile Needles and Syringes
3. SEP Statutory Changes from the 2018 Budget Trailer Bill
4. Senate Bill 212 Pharmaceutical Drugs and Sharps Take-Back Program
5. Directory of Syringe Services Programs in California
6. Map of counties with SEPS
7. California Department of Public Health (CDPH) Office of AIDS (OA) Syringe Exchange Certification Program
8. Fact Sheet: Non-Prescription Provision of Syringes
9. Fact Sheet: Syringe Exchange Certification
10. October 8, 2018 correspondence from CDPH to the County of Humboldt

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## **Syringe Exchange Programs in California: An Overview**

Syringe exchange programs (SEPs) have been operating in California since the late 1980s, providing sterile syringes, collecting used ones, and acting as a point of access to health education and help for people who inject drugs.

### **Currently:**

- ❖ There are more than 40 SEPs operating in California.
- ❖ California SEPs provide a wide range of services in addition to syringe exchange and disposal. These services may include HIV and hepatitis C testing, overdose prevention training, and referrals to drug treatment, housing, and mental health services. Most SEPs also provide first aid and basic supplies, such as clean socks and bottled water, to meet the needs of homeless clients.
- ❖ California SEPs operate in a variety of settings, including in health clinics, mobile vans, storefronts and churches. Some offer street-based services in multiple locations; others offer services daily during standard business hours; still others provide home delivery services.
- ❖ Since 1999 the California State Legislature has acted several times to expand access to sterile syringes through SEPs authorized by local government. Most syringe exchange programs currently operating in California have been authorized by their county boards of supervisors or city councils.
- ❖ In 2012, Assembly Bill (AB) 604, (Skinner, Chapter 744, Statutes of 2011) also granted authority to the California Department of Public Health, Office of AIDS to permit organizations to apply directly to the Department for authorization to provide syringe exchange services. Existing SEPs are not required to apply for state certification, and local governments may continue to authorize local programs.

### **Research in California: the CalSEP Study<sup>1</sup>**

- ❖ The California Syringe Exchange Program (CalSEP) study funded by the Centers for Disease Control and Prevention examined the impact of syringe exchange legislation over several years in sixteen counties. Researchers found that for most SEP clients, contact with SEPs was the only contact they had with health care or social services of any kind. Of 10 recommended preventive services received by SEP clients, 76 percent were received exclusively from SEPs.

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<sup>1</sup> Bluthenthal, R. Syringe Exchange Program Diversity and Correlates of HIV Risk: Preliminary results from the California Syringe Exchange Program Study. Presentation to the California Department of Health Services, Office of AIDS, April 22, 2003. Sacramento, CA.

- ❖ In addition to syringe exchange, eighty-three percent of SEPs participating in the study offered HIV counseling and testing on site and 63 percent offered screening for hepatitis C virus. All SEPs offered safer sex materials, first aid, and referrals to drug treatment.
- ❖ In a survey of 75 clients recruited from 25 California SEPs, more than 90 percent would recommend SEPs to friends with similar needs.

### **Additional Research Findings:**

- ❖ A study of 81 cities around the world compared HIV infection rates among IDUs in cities that had SEPs to cities that did not. In the 29 cities with SEPs, HIV infection rates decreased by an average of 5.8 percent per year. By contrast, in the 52 cities without SEPs, HIV infection rates increased by 5.9 percent per year.<sup>2</sup>
- ❖ Researchers studying a San Francisco SEP found that the program did not encourage drug use, either by recruiting young or new IDUs, or by increasing drug use among current IDUs. In fact, during the five-year study period, injection frequency among IDUs decreased from 1.9 injections per day to 0.7, and the percentage of new IDUs in the community decreased from 3 percent to 1 percent.<sup>3</sup>
- ❖ Economic studies have predicted that SEPs could prevent HIV infections among clients, their sex partners, and offspring at a cost of about \$13,000 per infection averted.<sup>4</sup> This is significantly less than the lifetime cost of treating an HIV-infected person, which is estimated to be \$385,200.
- ❖ Hundreds of studies of SEPs have been conducted and have been summarized in a series of federally funded reports beginning in 1991. Each of the eight reports has concluded that SEPs do not appear to lead to increased drug use, increased neighborhood crime, or increased syringe litter in the communities that are home to these programs.<sup>5</sup>
- ❖ A comprehensive review of international studies on syringe access programs, including both syringe exchange and nonprescription pharmacy sale concluded, "There is compelling evidence that increasing the availability, accessibility, and both the awareness of the imperative to avoid HIV and utilization of sterile injecting equipment by IDUs reduces HIV infection substantially."<sup>6</sup>

<sup>2</sup> Hurley, S.F., Jolley, D.J., Kaldor, J.M. Effectiveness of needle-exchange programmes for prevention of HIV infection. *Lancet* 1997; 349:1797-1800.

<sup>3</sup> Watters, J.K., Estilo, M.J., Clark, G.L., et al. Syringe and needle exchange as HIV/AIDS prevention for injection drug users. *Journal of the American Medical Association* 1994; 271:115-120.

<sup>4</sup> Cohen, D.A., Wu, S-Y., Farley, T.A. Cost-effective allocation of government funds to prevent HIV infection. *Health Affairs* 2005; 24:915-926.

<sup>5</sup> Report from the NIH Consensus Development Conference. February 1997.

<sup>6</sup> Wodak A, Cooney A. Do needle syringe programs reduce HIV infection among injecting drug users: a comprehensive review of the international evidence. *Subst Use Misuse*. 2006;41(6-7):777-813.



- ❖ The National Institutes of Health Consensus Panel on HIV Prevention stated, "An impressive body of evidence suggests powerful effects from needle exchange programs....Studies show reduction in risk behavior as high as 80 percent, with estimates of a 30 percent or greater reduction of HIV in IDUs."<sup>7</sup>

#### **Related California Legislation:**

- ❖ AB 1743 (Ting, Statutes of 2014) allows licensed pharmacies throughout California to sell syringes to adults without a prescription and removes prior limits on the number of syringes that may be sold. It allows adults 18 years of age and older to purchase and possess an unlimited number of syringes for personal use when acquired from a pharmacy, physician or authorized SEP.
- ❖ AB 604 (Skinner, Statutes of 2011) added CDPH/OA to the list of government entities that may authorize SEPs. As of January 1, 2012 OA has authority to establish a program that allows entities to provide syringe exchange services anywhere in the state where OA determines that the conditions exist for rapid spread of HIV, viral hepatitis, or other blood-borne diseases.

#### **Additional Fact Sheets and Links:**

- ❖ [Public Safety, Law Enforcement, and Syringe Exchange \(amfAR\)](#)
- ❖ [Syringe Exchange Programs and Hepatitis C \(Harm Reduction Coalition\)](#)
- ❖ [CDC Vital Signs - HIV and Injection Drug Use – Syringe Services Programs for HIV Prevention \(January, 2017\)](#)

#### **For more information, contact:**

**Alessandra Ross**  
**Injection Drug Use Specialist**  
**California Department of Public Health, Office of AIDS**  
[Alessandra.Ross@cdph.ca.gov](mailto:Alessandra.Ross@cdph.ca.gov) or (916) 449-5796

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<sup>7</sup> National Institutes of Health. [Consensus development statement. Interventions to prevent HIV risk behaviors](#), February 11-13, 1997;7-8.

## California Legal Code Related to Access to Sterile Needles and Syringes

### Syringe Exchange Programs

California Health and Safety (H&S) Code Section 11364.7(a) establishes that no public entity, its agents, or employees shall be subject to criminal prosecution for distribution of syringes to participants in syringe exchange programs (SEPs) authorized by the public entity.

California Business and Professions (B&P) Code Section 4145.5(e) requires SEPs to counsel consumers on safe disposal and provide them with one or more of the following disposal options: 1) onsite disposal, 2) provision or sale of sharps containers that meet applicable state and federal standards, and/or 3) provision or sale of mail-back sharps containers.

### Local Authorization of SEPs

H&S Code Section 121349.1 allows local governments to authorize SEPs in consultation with the California Department of Public Health (CDPH), as recommended by the U.S. Secretary of Health and Human Services, subject to the availability of funding, as part of a network of comprehensive services, including treatment services, to combat the spread of HIV and blood-borne hepatitis infection among injection drug users.

H&S Code Section 121349.2 requires that local government and health officials, law enforcement and the public be given an opportunity to comment on SEPs on a biennial basis in order to address and mitigate any potential negative impact of SEPs.

H&S Code Section 121349.3 requires the local health officer to present information about SEPs at an open meeting of the local authorizing body. The information is to include, but is not limited to, relevant statistics on blood-borne infections associated with syringe sharing and the use of public funds to support SEPs. The report must be made on a biennial basis.

### State Authorization of SEPs

H&S Code Section 121349.1 allows CDPH to authorize SEPs in locations where the conditions exist for the rapid spread of viral hepatitis, HIV or other potentially deadly diseases.

### Sale or Provision of Syringes by Licensed Pharmacists and Physicians

B&P Code Section 4145 permits pharmacists and physicians to furnish or sell an unlimited number of hypodermic needles and syringes to adults age 18 and older.

H&S Code Section 11364 permits adults age 18 and older to possess syringes for



personal use if acquired from a physician, pharmacist, authorized SEP or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription.

### **Individual Possession of Needles and Syringes**

H&S Code Section 11364 governs the possession of drug paraphernalia. Adults age 18 and older may possess syringes for personal use if acquired from a physician, pharmacist, authorized SEP or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription. Individuals may not possess a syringe on school grounds with the intent to provide the syringe to an individual under the age of 18, if that person may use the syringe to inject a controlled substance.

As of January 1, 2015, adults may possess an unlimited number of hypodermic needles and syringes for personal use, without a prescription.

### **Nonprescription Sale of Syringes (NPSS) in Pharmacies**

B&P Code Section 4145 permits the nonprescription sale of hypodermic needles and syringes by California pharmacies. AB 1743 (Ting, Chapter 331, Statutes of 2014) removed the prior limit on the number of hypodermic needles and syringes that California pharmacies and physicians had been permitted to furnish or sell. As of January 1, 2015, pharmacists and physicians may furnish or sell an unlimited number of hypodermic needles and syringes to adults age 18 and older.

A pharmacy that furnishes nonprescription syringes must store them so that they are only available to authorized personnel and are not accessible to other persons. Such pharmacies must also counsel consumers on safe disposal and provide written information or verbal counseling at the time of syringe sale on how to do the following: 1) access drug treatment, 2) access testing and treatment for HIV and hepatitis C, and 3) safely dispose of sharps waste. A Patient Information Sheet that includes this written information can be downloaded at [http://www.cdph.ca.gov/Documents/Patient%20Information%20Sheet\\_Sharps%20Disposal.pdf](http://www.cdph.ca.gov/Documents/Patient%20Information%20Sheet_Sharps%20Disposal.pdf). Pharmacies must also make sharps disposal available to customers by selling or furnishing sharps disposal containers or mail-back sharps containers, or by providing on-site disposal.

### **Syringe Disposal**

B&P Code Section 4146 permits pharmacies to accept the return of needles and syringes from the public if contained in a sharps container, which is defined in H&S Code Section 117750 as "a rigid puncture-resistant container that, when sealed, is leak resistant and cannot be reopened without great difficulty."

H&S Code Section 118286 prohibits individuals from discarding home-generated sharps

waste in home or business recycling or waste containers.

H&S Code Section 118286 also requires that home-generated sharps waste be transported only in a sharps container or other container approved by the applicable enforcement agency, which may be either the state (CalRecycle program) or a local government agency. Home-generated sharps waste may be managed at household hazardous waste facilities, at "home-generated sharps consolidation points," at the facilities of medical waste generators, or by the use of medical waste mail-back containers approved by the state.

B&P Code 4145.5 requires SEPs and pharmacies that sell or provide nonprescription syringes to counsel consumers on safe disposal and also provide them with one or more of the following disposal options: 1) onsite disposal, 2) provision of sharps containers that meet applicable state and federal standards, and/or 3) provision of mail-back sharps containers.



## Syringe Exchange Program Statutory Changes from the Budget Trailer Bill 2018

Office of AIDS Fact Sheet 6/29/18

The California Budget Bill was signed by the Governor on June 27, 2018 (Senate Bill (SB) 840, Statutes of 2018). The trailer bill that accompanies the budget bill was also passed; it includes clarifying language regarding the budget (Assembly Bill (AB) 1810, Statutes of 2018).

AB 1810 made changes to sections of Health and Safety Code (HSC) that outline the authority of the California Department of Public Health to authorize SEPs through an application process, as well as other sections of HSC that relate to syringe exchange and possession of safer injection supplies. The trailer bill language made changes to these HSC sections in the following ways:

1. HSC 121349(e) was amended to shorten the timeframe for public comment on an application for SEP certification from 90 days down to 45 days.
  - a. Previously, the law required the department to provide for a public comment period of 90 days prior to approval of an application.
2. HSC 121349(h) was amended to remove the sunset date of 1/1/2019 on CDPH's authority to authorize SEPs.
  - a. Previously, the law granting CDPH authority to authorize SEPs would have terminated on 1/1/2019.
3. HSC 121349(h) was amended to add CDPH authority to administratively make changes to an already-authorized SEP's program operations, including but not limited to modifications to the time, location, and type of services provided, including the designation as a fixed or mobile site. This administrative amendment approval is not subject to the noticing requirements of an initial application.
  - a. Previously, the law provided no mechanism for making administrative changes to an already-authorized SEP.
4. HSC 121349(i) was added to give CDPH 30 business days to review and respond to an applicant's request for an administrative amendment. If CDPH does not respond in this timeframe the request is deemed denied.
  - a. Previously, the law did not include a mechanism for making administrative changes to an already-authorized SEP.



5. HSC 121349.1 was amended to add language that exempts staff and volunteers participating in an authorized exchange from criminal prosecution for possession of the following items: any materials deemed by a local or state health department to be necessary to prevent the spread of communicable diseases, or to prevent drug overdose, injury, or disability.
  - a. Previously, the law only exempted program participants and staff members from criminal prosecution for hypodermic needles or syringes.
6. HSC 121349.1 was amended to remove the 1/1/2019 sunset date. This section granted CDPH authority to authorize SEPs and also protected SEP program participants from criminal prosecution for possession of syringes from an SEP.
  - a. Previously, the law would have terminated on 1/1/2019.
7. HSC 121349.2 was amended to remove the 1/1/2019 sunset date. This section allows for biennial opportunity for local stakeholders to comment on SEPs.
  - a. Previously, the law would have terminated on 1/1/2019.
8. HSC 121349.3 was amended to remove the 1/1/2019 sunset date. This section requires the health officer of the participating jurisdiction to present biennially (every other year) at an open meeting.
  - a. Previously, the law would have terminated on 1/1/2019 and reverted to the prior requirement of annual reporting.

For more information, contact Alessandra Ross, Injection Drug Use Specialist, at [Alessandra.Ross@cdph.ca.gov](mailto:Alessandra.Ross@cdph.ca.gov), or 916-449-5796.

# Senate Bill 212

## Pharmaceutical Drugs and Sharps Take-Back Program

### Senator Jackson and Assemblymembers Ting and Gray

#### SUMMARY

SB 212 (Jackson) will require manufacturers of sharps and specified pharmaceutical drugs to establish, fund, and promote a statewide take-back system for these products.

#### BACKGROUND

In response to the growing problems of prescription drug abuse, accidental poisonings, and the detection of pharmaceutical products in California waters, local governments throughout the state have struggled to establish safe and convenient medication take-back programs. The public demand and need for such programs has been tremendous – even limited programs have collected hundreds of pounds of drugs. *Law enforcement, federal agencies, public health and environmental professionals agree that take-back programs are the safest way to dispose of unused medicines.*

The simple truth is that drugs – both prescription and over the counter – present significant problems at the end of their useful life. Consumers have leftover drugs in their homes, which tend to be stockpiled, flushed, or thrown in the garbage. Unfortunately, the lack of an end-of-life management plan results in significant problems for California.

*Prescription Drug Abuse* – Prescription drug abuse has skyrocketed in recent years, as have hospitalizations and deaths from overdoses. In fact, opioid pain relievers were involved in more drug poisoning deaths than other drugs, including heroin and cocaine. One of the four top recommendations of the National Strategy on Preventing Prescription Drug Abuse is to have a safe and convenient method of disposal for prescription drugs, over the counter drugs, and veterinary medicines that we have in our homes. The lack of take-back locations forces consumers to choose less than desirable options, including home storage, flushing medications down the toilet or throwing them in the garbage.

*Environmental Impacts* – Pharmaceutical products enter our waters by excretion, consumer disposal of unused medications down the toilet or drain, or wastewater siphoned from landfills and discharged into the environment. While the potential impacts on humans exposed through drinking water or by eating contaminated fish are not well studied, scientists are concerned with unknowns such as low dose exposures over long periods of time, effects on vulnerable populations such as infants, and cumulative impacts of drug mixtures.

*Cost to Local Governments* – For too long, municipal governments have cobbled together local collection options that fail to meet public demand for safe take-back. This draws resources from other vital government functions, creates a patchwork of regulations, and fails to realize efficiencies that would come from a statewide program. Some counties don't offer drug take-back sites because they lack the budget - and others that do sometimes have programs that are limited in scope.

*Medical Sharps* - Despite the fact California law prohibits home-generated sharps waste from being thrown away, millions of these products are discarded irresponsibly every year, resulting in an unacceptable risk of needle stick injuries for parks, hotel, solid waste, wastewater, sanitation and other workers as well as the public.

Under current law, sharps users must purchase their own suitable container, discard needles into the container, and then drive to a county household hazardous waste facility for proper disposal. In some limited situations, there are doorstep pickup services provided and paid for often by garbage ratepayers. In some rare instances, private sector hospitals like Kaiser, and some independent veterinarians are accepting needles from their customers.

Needle stick injuries occur with unacceptable frequency outside of hospital settings, which have a much more controlled environment with sharps containers and strict procedures for managing medical waste. A 2008 study suggested that "nationwide each year roughly

150,000 to 200,000 needle sticks occurred outside the health services industry for a cost of \$38 million."

#### **SOLUTION - SB 212**

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SB 212 (Jackson and Ting) will establish a statewide take-back system, created, funded, and promoted by manufacturers of sharps and pharmaceutical drugs, including prescription, pet, and over the counter medications. Manufacturers may participate individually, as a group, or through a stewardship organization operating under a stewardship plan approved by CalRecycle. This bill will ensure that California residents throughout the state have access to safe, convenient disposal methods of sharps and drugs, addressing important public health issues facing consumers and workers.

##### **Collection, Transport, and Disposal:**

Retail pharmacies will serve as collection sites for covered drugs and sharps, with a minimum of 15% of their store locations serving as authorized collectors. Retail pharmacies will be exempt from this requirement if they operate an adequate voluntary program.

Any retail pharmacy, hospital, clinic with an on-site pharmacy, or law enforcement agency will have the ability to opt in to serve as a collection site.

A manufacturer, group of manufacturers, or a stewardship organization will establish secure collection receptacles, serviced regularly to meet demand and ensure that collected products are transported to final disposal in a timely manner.

##### **Mail-back Option:**

Individuals who are homeless, disabled, home-bound, or are home health care workers will be able to request prepaid, preaddressed mailing envelopes and containers that safely carry sharps or render drugs inert.

##### **Convenience:**

Take-back locations shall be geographically disbursed and reasonably accessible for all California residents.

##### **Education and Promotion:**

Manufacturers will be required to provide comprehensive public education to promote consumer participation in the take-back system.

##### **Oversight and Enforcement:**

CalRecycle will review and approve or reject a manufacturer or stewardship organization's plan, annual report, and program budget. The Board of Pharmacy, the Department of Public Health, and the Department of Toxic Substances Control shall review these materials for consistency with their respective statutes and regulations.

If a manufacturer, stewardship organization, distributor, wholesaler, central warehouse, pharmacy, pharmacy benefits manager, or retailer fails to meet statutory requirements established by this bill, CalRecycle may impose administrative civil penalties of up to \$1,000 per day. If the violation is knowing, reckless, or intentional, the penalty may be up to \$5,000 per day.

##### **Recordkeeping and Audit Ability:**

The stewardship organization will have the ability to conduct an audit of parties that are required to remit the charge to the stewardship organization to ensure that all relevant parties are paying and collecting the proper amount, and of parties that are exempt from remitting the charge. Additionally, the stewardship organization's accounting books shall be independently audited annually. CalRecycle may also conduct its own audit if it deems so necessary.

##### **Preemption:**

This bill shall preempt local stewardship programs enacted by an ordinance that has an effective date on or after 4/18/18.

##### **SUPPORT**

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California Product Stewardship Council  
California State Association of Counties  
Several local governments and agencies

##### **STATUS**

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To be heard in Assembly Environmental Safety and Toxic Materials Committee on June 26<sup>th</sup>.

##### **CONTACT**

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Siddharth Nag  
Principal Consultant, Senator Jackson  
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# Directory of Syringe Services Programs in California

There are currently **more than forty** programs in California that provide syringe services. Many have fixed locations, but others operate at various locations and times throughout the week. For more information, contact the programs listed below.

County	Program	City	Phone
Alameda	<a href="#">Needle Exchange Emergency Distribution (NEED)</a>	Berkeley	(510) 463-1843
	<a href="#">HIV Education &amp; Prevention Project of Alameda County (HEPPAC)</a>	Oakland	(510) 703-2132
	<a href="#">Tri-City Health Center</a>	Fremont	(510) 456-3503
	<a href="#">Community Outreach Harm Reduction Team</a>	Oakland	(510) 761-9795
Contra Costa	<a href="#">HIV Education &amp; Prevention Project of Alameda County (HEPPAC)</a>	Richmond, Bay Point, Pittsburg	(510) 703-2132
Del Norte	<a href="#">United Indian Health Center</a>	Crescent City	(707) 464-2919
Fresno	Fresno Needle Exchange	Fresno	(559) 412-6226
Humboldt	<a href="#">Redwoods Rural Health Center</a>	Redway	(707) 923-2783
	<a href="#">United Indian Health Services</a>	Weitchpec	(707) 825-5070
	<a href="#">North Coast AIDS Project (NorCAP)</a>	Eureka, Arcata, Hoopa, Fortuna, McKinleyville, Garberville, Loleta	(707) 268-2132
	<a href="#">Humboldt Area Center for Harm Reduction (HACHR)</a>	Eureka, Arcata, Orick, Fortuna, McKinleyville, Willow Creek	(707) 407-6013
	Kings County Needle Exchange Program	Hanford, Corcoran, Avenal	(559) 852-2578
Lake	<a href="#">Any Positive Change</a>	Lower Lake	(707) 480-7319
Los Angeles	<a href="#">Common Ground/Venice Family Clinic</a>	Venice, Los Angeles	(310) 314-5480
	<a href="#">LA Community Health Project</a>	Los Angeles	(213) 568-3542
	<a href="#">Bienestar Human Services Program</a>	Los Angeles, Wilmington	(866) 590-6411
	<a href="#">Asian American Drug Abuse Program</a>	Los Angeles	(424) 331-5799
	<a href="#">Tarzana Treatment Center, Inc.</a>	Pacoima, Van Nuys, Conoga Park, Sylmar, Sun Valley	(818) 342-5897
	<a href="#">Homeless Health Care Los Angeles</a>	Los Angeles	(213) 617-8408
	<a href="#">Marin AIDS Project</a>	San Rafael	(415) 457-2487
Mendocino	<a href="#">Mendocino County AIDS/Viral Hepatitis Network</a>	Ukiah	(707) 462-1932
Merced	Merced Needle Exchange	Merced	(209) 564-3500
Monterey	<a href="#">Access Support Network</a>	Salinas	(831) 781-3660
Orange	<a href="#">Orange County Needle Exchange Program</a>	Santa Ana, Anaheim, Costa Mesa, Orange	(714) 794-5643



Plumas	<a href="#">Plumas County Public Health Agency</a>	Quincy, Chester, Portola	(530) 283-6337
Sacramento	<a href="#">Harm Reduction Services</a>	Sacramento	(916) 456-4849
	<a href="#">Safer Alternatives thru Networking and Education (SANE)</a>	Sacramento	(916) 397-2434
San Diego	<a href="#">Family Health Centers of San Diego</a>	San Diego	(619) 515-2438
San Francisco	<a href="#">Alliance Health Project</a>	San Francisco	(415) 502-7235
	<a href="#">Homeless Youth Alliance</a>	San Francisco	(415) 630-0744
	<a href="#">San Francisco AIDS Foundation</a>	San Francisco	(415) 338-8159
	<a href="#">San Francisco Drug Users Union</a>	San Francisco	(415) 969-5179
	<a href="#">St. James Infirmary</a>	San Francisco	(415) 554-8494
	<a href="#">TRANS: THRIVE</a>	San Francisco	(415) 257-7187
San Luis Obispo	<a href="#">Glide Harm Reduction Services</a>	San Francisco	(415) 674-5185
	<a href="#">SLO Bangers</a>	San Luis Obispo	(805) 458-0123
San Mateo	<a href="#">Be Safe! Syringe Access for Empowerment</a>	San Mateo	(650) 619-9125
Santa Barbara	<a href="#">Pacific Pride Foundation/The Right Outfit</a>	Santa Barbara, Santa Maria, Lompoc	(805) 963-3636
Santa Clara	<a href="#">Santa Clara County Public Health Dept. Needle Exchange Program</a>	San Jose, Sunnyvale, San Martin, Gilroy	(888) 792-3729
Santa Cruz	<a href="#">Syringe Services Program</a>	Santa Cruz, Watsonville	(831) 454-4329
Shasta	<a href="#">Shasta County Syringe Exchange Program</a>	Redding	(530) 225-5298
Sonoma	<a href="#">Face to Face</a>	Santa Rosa	(707) 544-1581
	<a href="#">Drug Abuse Alternatives Center (DAAC)</a>	Santa Rosa, Glen Ellen, Sebastopol, Petaluma, Azure Acres	(707) 562-2999 ext. 358
	<a href="#">West County Health Centers/Healthcare for the Homeless</a>	Guerneville	(707) 824-3398
Ventura	<a href="#">Ventura County Syringe Replacement Program</a>	Ventura, Oxnard, Santa Paula, Simi Valley	(805) 652-6267

### Pharmacy Syringe Access

As of January 1, 2015, any pharmacy in the state may sell an unlimited number of syringes to adults age 18 and older without a prescription. Adults may also purchase and possess an unlimited number of syringes for personal use without a prescription.

Pharmacies are not required to sell syringes without a prescription, and many pharmacies are still unaware of the law that encourages nonprescription syringe sale. The California Department of Public Health, Office of AIDS is advising pharmacies that participate in California's AIDS Drug Assistance Program (ADAP) to sell syringes without a prescription, and many have begun to offer the service.

To find an ADAP pharmacy near you, use the pharmacy locator. Enter your zip code and call the pharmacy listed to ask if they provide nonprescription syringe sales.

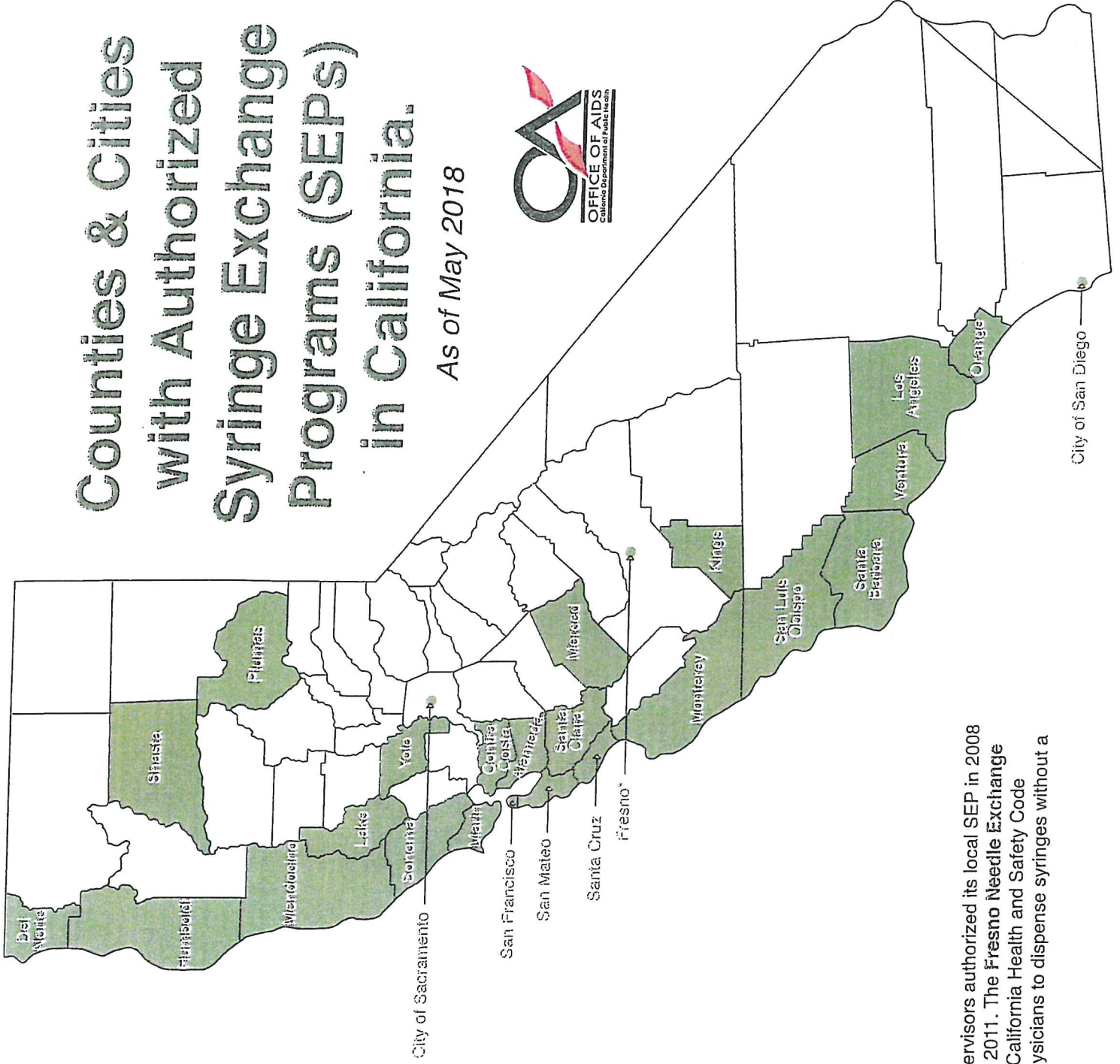
[Pharmacy Locator](#)



Alameda  
 City of Sacramento  
 City of San Diego  
 Contra Costa  
 Del Norte  
 Fresno\*  
 Humboldt  
 Kings  
 Lake  
 Los Angeles  
 Marin  
 Mendocino  
 Merced  
 Monterey  
 Orange  
 Plumas  
 San Francisco  
 San Luis Obispo  
 San Mateo  
 Santa Barbara  
 Santa Clara  
 Santa Cruz  
 Shasta  
 Sonoma  
 Ventura  
 Yolo

# Counties & Cities with Authorized Syringe Exchange Programs (SEPs) in California.

As of May 2018



\* Note: The Fresno County Board of Supervisors authorized its local SEP in 2008 and rescinded its authorization in 2011. The Fresno Needle Exchange operates under the provisions of California Health and Safety Code Section 11364.1, which allows physicians to dispense syringes without a prescription.

## What data is there about the effectiveness of syringe exchange programs?

Syringe exchange programs have been rigorously studied since they were first introduced in the mid-1980s in response to injection-related HIV transmission. As the U.S. Centers for Disease Control and Prevention [has summarized](#), this evidence has shown that SEPs:

- Reduce HIV and viral hepatitis transmission;
- Reduce overdose mortality;
- Increase entry into substance use disorder treatment;
- Reduce needle-stick injuries;
- Save money;
- Do not increase drug use or crime.

The impact of SEPs has been most notable in terms of controlling the HIV epidemic: between 2008 and 2014, the annual HIV diagnoses among people who inject drugs (PWID) in the U.S. fell by half. In jurisdictions where SEPs were adopted early and publicly funded, injection-related HIV transmission has been steeply reduced, such as in San Francisco where the number of infections decreased by two-thirds,<sup>[1]</sup> or New York City where HIV prevalence among PWID fell from 54% in 1990 to 3% in 2012.

SEPs also play an important role in safe disposal of used syringes. Studies have found, for example, that cities with SEPs have less syringe litter than those that don't have SEPs, and that syringes from SEPs are more likely to be safely disposed than those acquired from other sources. A CDPH review provides information about why restrictive syringe distribution policies are not recommended public health practice, along with a more comprehensive review of evidence related to syringe distribution and disposal: [Issue Brief: Syringe Access Policies for California Syringe Exchange Programs](#).

Additional background including summaries of California-based studies may be found in CDPH's [Syringe Exchange Programs in California: An Overview](#). A brief summary of California law may be found in the CDPH [Fact Sheet for Syringe Exchange Programs and Law Enforcement: Non-Prescription Sale and Provision of Syringes](#).

Many government and professional organizations have endorsed SEPs, including the American Bar Association, the American Medical Association, the American Nurses Association, the American Psychiatric Association, the American Psychological Association, the American Public Health Association, the American Society of Addiction Medicine, the U.S. Centers for Disease Control and Prevention, and the U.S. Conference of Mayors.

## How many syringe exchange programs does California have as of 2018?

There are 45 SEPs operating in California. (See [Syringe Exchange Programs in California: An Overview](#)). The California Department of Public Health (CDPH) lists all authorized SEPs operating in California on our web site.

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<sup>[1]</sup> San Francisco Department of Public Health, Population Health Division. [Syringe Access and Disposal Services](#). May 2018.



## California Department of Public Health (CDPH) Office of AIDS (OA) Syringe Exchange Certification Program

### Recent Decisions and Frequently Asked Questions

In order to reduce the spread of HIV and viral hepatitis and to reduce the existing risk of outbreaks of HIV and hepatitis C viral infection in Humboldt County, the California Department of Public Health, Office of AIDS (CDPH/OA) has approved the application from the Humboldt Area Center for Harm Reduction (HACHR) to provide syringe exchange services. Authorization is effective October 8, 2018 through October 8, 2020. CDPH/OA has determined that HACHR has met the requirements outlined in California Health and Safety Code (HSC) Section 121349 to qualify for authorization. Additionally, CDPH/OA has determined that conditions exist for the rapid spread of HIV, viral hepatitis, or other blood-borne diseases in Humboldt County.

### What public health information do we have that is relevant to syringe exchange services in Humboldt County?

Humboldt County has faced a number of public health challenges in recent years that are driven by, or related to, injection and other drug use:

- In 2017, there were **28 opioid overdose deaths in Humboldt County**, representing a 6% decline from the previous year, but nonetheless a death rate (21.0/100k) more than 4.5x the California average (4.5/100k).
- Humboldt's 2017 rate of **all-drug poisoning deaths** was 31.7, about 3.5 times higher than the California average of 10.1/100k.
- Humboldt saw a **49% increase in chronic hepatitis C virus (HCV) cases** between 2011 and 2015. Humboldt's new case rate in 2015 was 278% higher than the state average.
- The **largest increase in HCV cases (+149%) was among men age 20-29**. HCV cases among young people are more likely to be recent infections related to injection drug use, compared to infections among the "baby boomer" age group who are more likely to have been infected through blood transfusions before universal screening of the blood supply was introduced. Among both men and women there were large increases in both the 20-29 and 30-39 age cohorts.
- While the prevalence of HIV infection in Humboldt County is about half the California average in 2016, **Humboldt's annual rate of new HIV diagnoses increased by 47%** between 2012-2016, while statewide the rate declined by 6%. An outbreak of at least 10 new HIV cases has been identified in recent months and found to be linked to local syphilis cases, though not yet injection drug use.

### What is the role of CDPH in approval of syringe exchange programs (SEPs)?

California HSC Section 121349(b), allows CDPH to authorize SEPs in any location where the department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or other blood-borne diseases. CDPH is required to consult with local law enforcement and the local health officer as part of the authorization process, but **local government permission is not required**.

Local governments also have separate statutory authority to approve syringe exchange programs to operate within their jurisdiction under HSC 121349(b), and to set standards for local program operation as part of that local authorization.

### **What does approval from CDPH authorize an SEP to do?**

CDPH authorization for SEPs allows the staff and volunteers of the authorized organization to possess and furnish syringes in the geographic area defined in the authorization, and allows people who participate in SEP services to lawfully possess an unlimited number of syringes for personal use. (Separate from the authorization process, state law also permits adults over the age of 18 to possess an unlimited number of syringes for personal use when acquired from a pharmacy or physician.)

As a condition of authorization by CDPH, SEPs are required to directly provide or provide referrals to key medical and social services, including substance use disorder treatment, and screening and linkage to care for HIV, viral hepatitis, and sexually transmitted infections. CDPH-authorized SEPs must submit syringe dispensing and collection and disposal plans designed to maximize return of used syringes without increasing risk of needlestick injury to staff or program participants. The plan must include sharps waste disposal education that ensures staff and participants are familiar with proper disposal of home-generated sharps waste as referenced in HSC Section 118286.

CDPH-authorized SEPs are required to submit and maintain policies and procedures related to all services, and to submit data as well as an annual report to CDPH. Authorized SEPs must also record both adverse incidents and positive interactions between local law enforcement and SEP staff, volunteers or participants; document concerns and positive feedback expressed by program participants, community members, neighborhood associations and/or local law enforcement officials; and document steps the program has taken to address any reasonable concerns.

### **What steps to address syringe litter are included in the authorization?**

While syringe litter is an escalating concern in Humboldt, expansion of syringe services is well documented to be effective at decreasing syringe litter because it provides accessible locations for the safe disposal of used syringes. HACHR's application included collaborations with community partners in increased efforts to address syringe litter. As part of these efforts HACHR will:

- Expand hours and areas of operation for syringe services in order to offer additional hours and locations for people to safely dispose of their sharps waste;
- Continue to conduct regular cleanups in Eureka and Arcata;
- Document number of syringes collected;
- Respond to community requests to provide cleanup whenever syringe litter is sighted;
- Work with local law enforcement to reduce barriers to using sharps disposal kiosks;
- Continue to assist with cleanup in the Old Town area and in city green belts; and
- Work with community partners to increase local disposal options (e.g., placement of additional kiosks and increasing availability of individual disposal containers).

Other local partners, including county and city government decision-makers and agencies, are similarly involved in clean-up and mediation efforts, and local action to address the opioid epidemic, homelessness and related issues is organized and ongoing.

## What data is there about the effectiveness of syringe exchange programs?

Syringe exchange programs have been rigorously studied since they were first introduced in the mid-1980s in response to injection-related HIV transmission. As the U.S. Centers for Disease Control and Prevention [has summarized](#), this evidence has shown that SEPs:

- Reduce HIV and viral hepatitis transmission;
- Reduce overdose mortality;
- Increase entry into substance use disorder treatment;
- Reduce needle-stick injuries;
- Save money;
- Do not increase drug use or crime.

The impact of SEPs has been most notable in terms of controlling the HIV epidemic: between 2008 and 2014, the annual HIV diagnoses among people who inject drugs (PWID) in the U.S. fell by half. In jurisdictions where SEPs were adopted early and publicly funded, injection-related HIV transmission has been steeply reduced, such as in San Francisco where the number of infections decreased by two-thirds,<sup>[1]</sup> or New York City where HIV prevalence among PWID fell from 54% in 1990 to 3% in 2012.

SEPs also play an important role in safe disposal of used syringes. Studies have found, for example, that cities with SEPs have less syringe litter than those that don't have SEPs, and that syringes from SEPs are more likely to be safely disposed than those acquired from other sources. A CDPH review provides information about why restrictive syringe distribution policies are not recommended public health practice, along with a more comprehensive review of evidence related to syringe distribution and disposal: [Issue Brief: Syringe Access Policies for California Syringe Exchange Programs](#).

Additional background including summaries of California-based studies may be found in CDPH's [Syringe Exchange Programs in California: An Overview](#). A brief summary of California law may be found in the CDPH [Fact Sheet for Syringe Exchange Programs and Law Enforcement: Non-Prescription Sale and Provision of Syringes](#).

Many government and professional organizations have endorsed SEPs, including the American Bar Association, the American Medical Association, the American Nurses Association, the American Psychiatric Association, the American Psychological Association, the American Public Health Association, the American Society of Addiction Medicine, the U.S. Centers for Disease Control and Prevention, and the U.S. Conference of Mayors.

## How many syringe exchange programs does California have as of 2018?

There are 45 SEPs operating in California. (See [Syringe Exchange Programs in California: An Overview](#)). The California Department of Public Health (CDPH) lists all authorized SEPs operating in California on our web site.

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<sup>[1]</sup> San Francisco Department of Public Health, Population Health Division. [Syringe Access and Disposal Services](#). May 2018.





# FACT SHEET

## FOR SYRINGE EXCHANGE PROGRAMS AND LAW ENFORCEMENT

### Non-Prescription Sale and Provision of Syringes

January, 2017

#### California Syringe Law:

As of January 1, 2015, licensed pharmacists have the discretion to **sell hypodermic needles and syringes** to adults age 18 and older without a prescription to reduce the spread of HIV, hepatitis C and other blood-borne diseases. **There is no limit** on the number of needles and syringes that may be sold to a customer.

**Adults age 18 and older** may possess needles and syringes for personal use if acquired from a pharmacy, physician or authorized syringe exchange program.

**There is no limit** on the number of needles and syringes that an adult may purchase and possess.

These changes to California law were made by Assembly Bill 1743 (Ting, Chapter 331, Statutes of 2014). The relevant sections of California Business and Professions Code and Health and Safety Code read:

#### **California Business and Professions Code Section 4145.5(b):**

*Notwithstanding any other provision of law and until January 1, 2021, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, a physician or pharmacist may, without a prescription or a permit, furnish hypodermic needles and syringes for human use to a person 18 years of age or older, and a person 18 years of age or older may, without a prescription or license, obtain hypodermic needles and syringes solely for personal use from a physician or pharmacist.*

#### **California Health and Safety Code Section 11364:**

*(a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e) or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance that is a narcotic drug classified in Schedule III, IV, or V.*

*(b) This section shall not apply to hypodermic needles or syringes that have been containerized for safe disposal in a container that meets state and federal standards for disposal of sharps waste.*

*(c) Until January 1, 2021, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, this section shall not apply to the possession solely for personal use of hypodermic needles or syringes if acquired from a physician, pharmacist, hypodermic needle and syringe exchange program, or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription.*

Expanding access to sterile syringes has been demonstrated effective in preventing the spread of HIV and other blood-borne diseases. The California Department of Public Health, Office of AIDS website has more information about HIV prevention as well as materials for syringe exchange programs, pharmacies and law enforcement.





# FACT SHEET

## ABOUT THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, OFFICE OF AIDS SYRINGE EXCHANGE CERTIFICATION PROGRAM

July, 2018

Syringe exchange programs (SEPs) have been operating in California since the late 1980s, providing sterile syringes, collecting used ones, and acting as a point of access to health care and help for people who inject drugs.

As part of California's efforts to prevent the spread of HIV and other blood-borne diseases, California Health and Safety (H&S) Code Section 121349 outlines **two mechanisms** by which an SEP may be authorized to operate.

1. SEPs may be authorized by county or city government; and/or
2. Programs may be authorized by the California Department of Public Health, Office of AIDS (CDPH/OA) in any location where the department determines that the conditions exist for rapid spread of HIV, viral hepatitis, or other blood-borne diseases.

Additionally, California Business and Professions Code Section 4145 permits physicians and pharmacists to furnish or sell an unlimited number of hypodermic needles and syringes to adults age 18 and older.

### The CDPH/OA SEP Certification Program Under California H&S Code Section 121349:

- Applicants may apply directly to CDPH/OA for authorization, rather than to their local county or city government.

- Applications must meet minimal requirements to be considered. These include a list of basic services that must be provided (including, but not limited to referrals to drug treatment and mental health programs), sufficient funding to provide the services and capacity to collect required data.
- Once the Department determines that an application meets these requirements and deems the applicant provisionally appropriate CDPH/OA must post information about the application on its website and a 45-day public comment period begins.
- During this period CDPH/OA must consult with local law enforcement and the local health officer of the proposed location.
- After the 45-day public comment period, CDPH/OA has 30 business days in which to make the decision.
- SEP certification is granted for two years. Before the end of the two-year period, the Department may reauthorize the program in consultation with the local health officer and local law enforcement leadership.

Additional information about the CDPH/OA Syringe Exchange Certification Program and about access to sterile syringes in California is available at the CDPH/Office of AIDS website at:

[https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA\\_prev\\_sep.aspx](https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_prev_sep.aspx).

From: Crump, Carol@CDPH [<mailto:Carol.Crump@cdph.ca.gov>]  
Sent: Monday, October 8, 2018 10:11 AM  
To: Baird, Donald <[dbaird@co.humboldt.ca.us](mailto:dbaird@co.humboldt.ca.us)>  
Subject: HACHR authorization update

Good morning, Dr. Baird -

The California Department of Public Health, Office of AIDS (CDPH/OA) would like to notify you that the application for certification submitted by the Humboldt Area Center for Harm Reduction (HACHR) to provide syringe exchange services in Eureka, Arcata, and Fortuna has been approved. We appreciate that you took the time to consult with us as part of the process of evaluating the HACHRACHHH application for certification.

CDPH/OA has determined that HACHR has met the requirements outlined in California Health and Safety Code Section 121349 to qualify for authorization. Additionally, CDPH/OA has determined that conditions exist for the rapid spread of HIV, viral hepatitis, or other blood-borne diseases in Humboldt County.

Authorization will be effective October 8, 2018 through October 8, 2020. HACHR may apply for renewal before the end of the certification period, and CDPH/OA may renew the certification following consultation with local law enforcement leadership and the health officer.

HACHR is approved to continue providing syringe exchange services Monday through Saturday from 10:00 a.m. – 6:00 p.m. at their 1522 3<sup>rd</sup> Street location in Eureka. HACHR is also approved to provide mobile services as follows:

- Arcata in the area bounded by Old Samoa Road, Jackson Ranch Road, Vaissade Road, and K Street on Wednesdays from 12:00 p.m. - 2:00 p.m., and in the area bounded by Redwood Highway, Hendon Road, Wymore Road and Valley East on Wednesdays from 2:00 p.m. - 4:00 p.m.;
- Orick in the area bounded by Hufford Road, Lundblade Street, Redwood Highway, and Drysden Road on Mondays from 1:00 p.m. - 5:00 p.m.;
- Fortuna in the area bounded by Redwood Highway, Newberg Road, South Fortuna Boulevard, Strongs Creek Road, and Redwood Way on Mondays from 10:00 a.m. - 12:00 p.m.;
- McKinleyville in the area bounded by Murray Road, Ocean Drive, School Road, and Central Avenue on Fridays from 10:00 a.m. - 12:00 p.m.; and
- Willow Creek in the area bounded by Trinity Highway, Highway 299, Trinity River, and Country Club Road on Fridays from 1:00 p.m. - 3:00 p.m.

HACHR's application included increased collaborative efforts to address syringe litter. As part of these efforts HACHR will:



- Expand hours and areas of operation (see above) for syringe services in order to offer additional hours and locations for people to safely dispose of their sharps waste;
- Continue to conduct regular cleanups in Eureka and Arcata;
- Document number of syringes collected;
- Respond to community requests to provide cleanup whenever syringe litter is sighted;
- Work with local law enforcement to help reduce barriers to using sharps disposal kiosks;
- Continue to assist with cleanup in the Humboldt Old Town area and in city green belts; and
- Work with community partners to increase local disposal options (e.g., placement of additional kiosks and increasing availability of individual disposal containers).

California Code of Regulations, Title 17, Subchapter 15, Syringe Exchange Program (SEP) Certification (17 CCR 15) requires that certified SEPs provide an annual report about their services and referrals; record both adverse incidents and positive interactions between local law enforcement and SEP staff, volunteers, or participants; document concerns and positive feedback expressed by program participants, community members, neighborhood associations and/or local law enforcement officials; and document steps the program has taken to address any reasonable concerns.

CDPH's formal announcement will be posted on our website by close of business on Monday, October 8, 2018 and can be found here: [List of State-Certified SEPs](#). Also included on our webpage will be a "Frequently Asked Questions" document aimed at providing the public with information about how CDPH made this decision, which we encourage you to share with your constituents and stakeholders.

Thank you for collaborating with us in this important work, and please feel free to contact me if you have any questions.

Regards,

Carol Crump

Carol Crump, MPH  
 Program Manager, HIV & STDs  
 HIV & STDs  
 Department of Public Health  
 1001 L Street, Suite 100  
 Eureka, CA 95501-4000

Laboratory Annual Cannabis Activity Fees

Community Development Director Caldwell provided a staff report and said that in February, the Council made a compromise and amended the Cannabis Regulations to allow adult "A" cannabis activities provided the operators obtained both the "A" and "M" licenses and paid both the \$4,000 annual operating fee and \$300 renewal application fee. He noted that the State didn't distinguish that testing laboratories be required to hold both "A" and "M" licenses. He said staff would like clarification from the Council on the annual fee as it applies to testing laboratories. He said based on the State's regulations, staff's initial thought is that they would not be subject to both fees.

Mayor Wilson asked if the regulations for testing laboratories were clear when they were presented to the Council.

Community Development Director Caldwell noted that they were not clear in the beginning and were later amended.

Mayor Pro Tem Johnson agreed with staff that laboratories should only be charged one fee.

Councilmembers Marks and Strahan felt that testing laboratories should pay for both the "A" and "M" \$4,000 annual operating and \$300 renewal application fee and that the regulations remain unchanged.

Councilmember Garnes expressed concern about driving businesses away and agreed with staff's recommendation to only charge one fee.

Mayor Wilson felt it made sense to charge one fee as it applies to laboratories.

Community Development Director Caldwell pointed out that these laboratories also test water and soil, not just cannabis and operate in the same manner as North Coast Laboratories.

Mayor Wilson called for public comment in which no public comment was received.

Motion was made by Johnson/Garnes to clarify that testing laboratories not be required to pay both the "A" and "M" \$4,000 annual fee and \$300 renewal application and that they only be required to pay one fee. Motion carried 4-1; Councilmember Strahan dissenting.

Provide Staff Direction on Syringe Exchange Program

City Manager Knopp provided a staff report and began by clarifying that the City is not proposing a needle exchange program or a ban as some may have thought based on the article in the newspaper. He said the supplemental information included in the packet is to provide factual information to the Council on Syringe Exchange Programs.



Councilmember Strahan commented that she was interested to see what the current laws are regarding syringe exchange programs and visited a local clinic for information. She said that she also went to Palco Pharmacy and was told that approximately 10 years ago, the City purchased ten (10) sharps containers and provided them to the pharmacy to be available to give out. She said that they still have some of the containers and that they indicated that there are not many people in the program locally.

She expressed concern regarding the State having the ability to come in and mandate cities to have a syringe exchange program and thought it would be a good idea for the City to have something in place ahead of time, which may satisfy the State.

Mayor Pro Tem Johnson commented that in walking around town, he has occasionally seen used syringes thrown along the gutters. He said there is a right or wrong way to dispose of needles and he doesn't know if having an exchange program would change people's attitudes but educating people might help.

Councilmember Garnes commented that this is something the City may not have the ability to ban and it seems there would be no harm in having sharps containers available in town in addition to having them at Palco Pharmacy. She also indicated that Palco sells syringes rather than giving them away.

Councilmember Marks said that he is not sure putting sharps containers in town would change people's habits. He noted that he is definitely not in favor of having a syringe exchange program in town. He asked Chief Conner's opinion on the subject.

Chief Conner commented that the police department has had to go out and pick up syringes four or five times since he has been around and there was one incident where they retrieved 250 syringes from a vehicle, which they fished out of a homemade container. He said on occasion syringes are turned into the department and it's usually during the cleanup of a drug house. He noted that the police department has sharps containers and Recology Eel River takes them free of charge. He commented that those people that throw them in the street would likely continue to do so. He said boxes for waste meds might be more appropriate to help the environment although that is a different topic.

Mayor Wilson pointed out that the California Department of Public Health is required to provide public notice and consult with local law enforcement and local health officials but they are not required to seek local government permission to authorize a needle exchange program. He said he would like to see anything that happens in the City to come to the Council first. He said that he doesn't want to see the City spend any money on this issue or see any programs in the City that the City Council doesn't approve.

City Manager Knopp reviewed potential options for the City Council to pursue including an ordinance ban on syringe exchanges or a regulated approach such as active needle clean-ups as proposed in the City of Eureka.

Mayor Wilson called for public comment on the matter.

**Julie Woodall** suggested option #3 with the City issuing an advisory letter or resolution to the State and other involved parties expressing the City's position on syringe exchange programs being authorized or active in Rio Dell. She also suggested watching what happens through the Orange County Courts regarding the time-limited ban on syringe exchange programs in the City of Costa Mesa. She didn't see any reason to get the City Attorney involved at this time and suggested the public be informed of the City's position.

Mayor Pro Tem Johnson asked Dave Griffith how many syringes he has seen while picking up cigarette butts.

Mr. Griffith indicated that he had not seen any syringes thrown along the roadway.

Mayor Wilson commented that perhaps the City is making an issue out of nothing, not to say that there is not a drug problem in Rio Dell, like there is in every other city.

**Bryan Richter** informed the Council that he was contacted by a number of residents who said that they do not want a needle exchange program in town and asked for clarification of the City Council's position. He said he doesn't want to propagate bad behavior by exchanging old needles with new ones. He added that it is impressive for the City Council to stand up and say that they don't want this and felt the Council should issue a statement to the State on the City's position. If the courts determine in Orange County that cities can have a needle exchange program, then the matter should come back to the Council for further action to set same direction.

Mayor asked for a consensus of the Council.

Mayor Pro Tem Johnson, Councilmember Marks and Councilmember Strahan were not in support of a needle exchange program in Rio Dell.

Councilmember Garnes agreed but felt the Council couldn't issue an intelligent position on the subject with only having the information presented a few days prior. She suggested the item come back to the Council for further discussion and that health department representatives be invited to come and speak on the matter.

Mayor Wilson commented that he did some research on the issue and said there is no shortage of information out there. He said he was in favor of Option #3 regarding issuing a position statement that the City does not want a needle exchange program in the City.

City Manager Knopp stated for clarification that the **direction of the majority of the Council is that they immediately be notified of any proposed needle exchange program in Rio Dell and to**

issue a statement on the City Council's position to the State and other involved parties that the City does not want a needle exchange program in Rio Dell.

Council concurred.

## ORDINANCES/SPECIAL RESOLUTIONS

### Approve Resolution No. 1405-2018 Adopting a Revised Water Bill Claim Adjustment Policy

Finance Director Kerrigan provided a staff report and noted that the last update to the City's Water Bill Claim Adjustment Policy was in January of 2011 with passage of Resolution No. 1102-2011. She explained that the current policy allows for a maximum of \$100 to be waived in circumstances where a customer has incurred an extraordinarily high water bill by reason of excessive use due to a leak or excusable neglect. She said that since the time of adoption of this policy the water rates have increased significantly so the \$100 maximum is no longer equitable.

She continued with review of the recommended revisions to the Water Bill Claim Adjustment Policy and said that staff is recommended the \$100 maximum adjustment be increased to \$150. In addition, a clause was added to allow the City Manager, in rare instances to adjust a customer's bill that has grossly exceeded both the \$150 maximum credit in addition to three (3) times the amount of an average water bill. She explained the customer would then be billed three (3) times the amount of an average bill for the month in which the problem occurred. The other recommended revision was to increase the minimum amount in which a claim could be considered to go from \$10 to \$20.

Mayor Wilson called for public comment on the proposed resolution.

**Julie Woodall** asked how other cities handle water claims and referred to the \$1,200 claim approved at the last meeting and said she doesn't want to see those types of adjustments coming before the Council in the future.

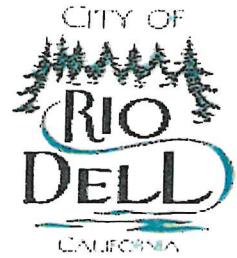
Finance Director Kerrigan said that she found that many jurisdictions take the average bill and subtract that amount from the high bill then adjust the difference by 50%. She explained that with revision of the policy, the City Manager would be allowed to make adjustments beyond the \$150 in rare or extreme circumstances.

**Julie Woodall** noted that she would have preferred to have the Council wait for adoption of the revised policy before approving a water claim that did not follow the current policy.

Mayor Pro Tem Johnson referred her to Section 3(g.) of the Resolution that states that "nothing herein shall, however, be construed to prevent the City Manager from seeking City Council approval of any claims presented pursuant to this Section" stating that it was in existence at the last meeting when the claim was approved.



*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
cityofriodell.ca.gov*



December 6, 2018

Brandie Wilson  
Executive Director/Founder  
Humboldt Area Center for Harm Reduction  
P.O. Box 7365  
Eureka, Ca 95502-7365

**Re: Needle Exchange Programs in Rio Dell California**

Dear Ms. Wilson,

On December 4, 2018 the City Council of the City of Rio Dell held a regularly scheduled meeting. On the agenda was a discussion on Syringe Exchange Programs (SEPs) in Rio Dell, state law concerning SEPs and other topics surrounding syringes in general.

We understand that SEPs may be authorized by the California Department of Public Health (CDPH) and that indeed CDPH authorized Humboldt Area Center for Harm Reduction (HACHR) to operate SEPS in various locations in Humboldt County effective October 8, 2018 through October 8, 2020. It should be noted that the October 8, 2018 authorization did not specifically mention or authorize SEPs in the City of Rio Dell.

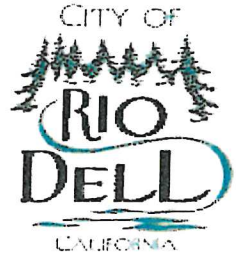
I write to you to convey the majority position of the City Council as discussed on December 4, 2018. Should such a program be considered, the City Council is opposed to a syringe exchange program in Rio Dell. Furthermore, the City Council expects to be notified immediately if a SEP is considered for our city.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frank Wilson".

Frank Wilson  
Mayor  
City of Rio Dell

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cityofriodell.ca.gov*



December 6, 2018

Michele Stephens, LCSW  
Public Health Director  
529 I Street  
Eureka, CA 95501

**Re: Needle Exchange Programs in Rio Dell California**

Dear Ms. Stephens,

On December 4, 2018 the City Council of the City of Rio Dell held a regularly scheduled meeting. On the agenda was a discussion on Syringe Exchange Programs (SEPs) in Rio Dell, state law concerning SEPs and other topics surrounding syringes in general.

We understand that SEPs may be authorized by the California Department of Public Health (CDPH) and that indeed CDPH authorized Humboldt Area Center for Harm Reduction (HACHR) to operate SEPS in various locations in Humboldt County effective October 8, 2018 through October 8, 2020. It should be noted that the October 8, 2018 authorization did not specifically mention or authorize SEPs in the City of Rio Dell.

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Frank Wilson  
Mayor  
City of Rio Dell



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December 6, 2018

Karen L. Smith, MD, MPH  
Director and State Public Health Officer  
Director's Office, MS 0500  
P.O. Box 997377  
Sacramento, CA 95899-7377

**Re: Needle Exchange Programs in Rio Dell California**

Dear Dr. Smith,

On December 4, 2018 the City Council of the City of Rio Dell held a regularly scheduled meeting. On the agenda was a discussion on Syringe Exchange Programs (SEPs) in Rio Dell, state law concerning SEPs and other topics surrounding syringes in general.

We understand that SEPs may be authorized by the California Department of Public Health (CDPH) and that indeed CDPH authorized Humboldt Area Center for Harm Reduction (HACHR) to operate SEPS in various locations in Humboldt County effective October 8, 2018 through October 8, 2020. It should be noted that the October 8, 2018 authorization did not specifically mention or authorize SEPs in the City of Rio Dell.

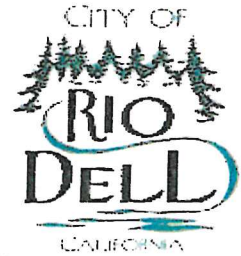
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Frank Wilson  
Mayor  
City of Rio Dell

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December 6, 2018

Connie Beck, Director  
Department of Health and Human Services  
County of Humboldt  
507 F Street  
Eureka, Ca 95501

**Re: Needle Exchange Programs in Rio Dell California**

Dear Ms. Beck,

On December 4, 2018 the City Council of the City of Rio Dell held a regularly scheduled meeting. On the agenda was a discussion on Syringe Exchange Programs (SEPs) in Rio Dell, state law concerning SEPs and other topics surrounding syringes in general.

We understand that SEPs may be authorized by the California Department of Public Health (CDPH) and that indeed CDPH authorized Humboldt Area Center for Harm Reduction (HACHR) to operate SEPS in various locations in Humboldt County effective October 8, 2018 through October 8, 2020. It should be noted that the October 8, 2018 authorization did not specifically mention or authorize SEPs in the City of Rio Dell.

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Frank Wilson  
Mayor  
City of Rio Dell

---

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December 6, 2018

Donald I. Baird, MD, MSC  
Public Health Officer, Humboldt County  
529 I Street  
Eureka, CA 95501

**Re: Needle Exchange Programs in Rio Dell California**

Dear Dr. Baird,

On December 4, 2018 the City Council of the City of Rio Dell held a regularly scheduled meeting. On the agenda was a discussion on Syringe Exchange Programs (SEPs) in Rio Dell, state law concerning SEPs and other topics surrounding syringes in general.

We understand that SEPs may be authorized by the California Department of Public Health (CDPH) and that indeed CDPH authorized Humboldt Area Center for Harm Reduction (HACHR) to operate SEPS in various locations in Humboldt County effective October 8, 2018 through October 8, 2020. It should be noted that the October 8, 2018 authorization did not specifically mention or authorize SEPs in the City of Rio Dell.

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Frank Wilson  
Mayor  
City of Rio Dell

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December 6, 2018

Alessandra Ross, MPH  
HIV Prevention Branch, Office of AIDS  
California Department of Public Health, MS 7700  
P.O. Box 997426  
Sacramento, CA 95899-7426

**Re: Needle Exchange Programs in Rio Dell California**

Dear Ms. Ross,

On December 4, 2018 the City Council of the City of Rio Dell held a regularly scheduled meeting. On the agenda was a discussion on Syringe Exchange Programs (SEPs) in Rio Dell, state law concerning SEPs and other topics surrounding syringes in general.

We understand that SEPs may be authorized by the California Department of Public Health (CDPH) and that indeed CDPH authorized Humboldt Area Center for Harm Reduction (HACHR) to operate SEPS in various locations in Humboldt County effective October 8, 2018 through October 8, 2020. It should be noted that the October 8, 2018 authorization did not specifically mention or authorize SEPs in the City of Rio Dell.

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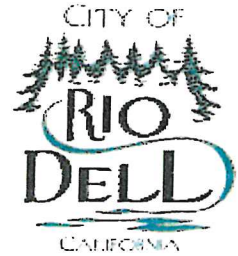
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Frank Wilson  
Mayor  
City of Rio Dell



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December 6, 2018

Carol Crump, MFT  
HIV Prevention Branch, Office of AIDS  
California Department of Public Health, MS 7700  
P.O. Box 997426  
Sacramento, CA 95899-7426

**Re: Needle Exchange Programs in Rio Dell California**

Dear Ms. Crump,

On December 4, 2018 the City Council of the City of Rio Dell held a regularly scheduled meeting. On the agenda was a discussion on Syringe Exchange Programs (SEPs) in Rio Dell, state law concerning SEPs and other topics surrounding syringes in general.

We understand that SEPs may be authorized by the California Department of Public Health (CDPH) and that indeed CDPH authorized Humboldt Area Center for Harm Reduction (HACHR) to operate SEPS in various locations in Humboldt County effective October 8, 2018 through October 8, 2020. It should be noted that the October 8, 2018 authorization did not specifically mention or authorize SEPs in the City of Rio Dell.

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Sincerely,

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Frank Wilson  
Mayor  
City of Rio Dell



19

For Meeting of: November 5, 2019

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: October 23, 2019

Subject: Adoption of the 2019 California Building Codes. Text Amendment Chapter 15.05, "Construction Codes", Section 15.05.020 of the Rio Dell Municipal Code (RDMC).

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding amending Sections 15.05.020 and 15.05.050 of the Rio Dell Municipal Code (RDMC); and
2. <sup>2nd Adoption</sup> Introduce (first reading) Ordinance No. 377-2019 amending Chapter 15.05, "Construction Codes", Section 15.05.020 of the Rio Dell Municipal Code (RDMC); and
3. Open the public hearing, receive public input and deliberate; and
4. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of November 19, 2019 for the second reading and adoption.

**Background**

The California Building Standards Commission (CBSC) is an independent commission within the State Consumer Services Agency responsible for reviewing, adopting, and publishing building standards for the State of California. Every three years, the CBSC adopts a compilation of building regulations referred to as the California Building Standards Code (California Code of Regulations, Title 24). Through the code adoption process, the CBSC selects and approves a set of model codes. Inclusive in these regulations are the California

Building, Mechanical, Plumbing, Electrical, Existing Buildings, Fire, Energy, Residential Building, Historical Building, and Green Building Codes. Participating State agencies, such as State Fire Marshal (SFM), Division of the State Architect (DSA), Housing and Community Development (HCD), and Office of Statewide Health Planning and Development (OSHPD), have an opportunity to amend the code for the occupancy groups under their respective authorities.

Local governments or jurisdictions can also modify the code to add more restrictive provisions based on their specific local geologic, climatic, and topographic conditions to protect their communities. Any local amendments to the above mandated codes must be more restrictive than the State Building Standards Code and must be substantiated with findings, per California Health & Safety Code Section 17958. The administrative provisions of the code can be modified without specific justification based on local conditions.

The 2019 Codes become effective on January 1, 2020; however, the specific code addition applicable to a building project is established by the building permit application date. Therefore, projects submitted for a permit on or after January 1, 2020, must be designed to the 2019 edition of the California Building Standards Code. The specific codes mandated for effectiveness in January 2020 by the State of California are as follows:

- 2019 California Building Code Volumes 1 & 2
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Electrical Code
- 2019 California Existing Buildings Code
- 2019 California Fire Code
- 2019 California Energy Code
- 2019 California Residential Building Code
- 2019 California Green Building Standards Code
- 2019 California Historical Building Code

Included with the adoption of the California Building Standards Code is the 2018 International Property Maintenance Code (IPMC). This model code provides the City authority to abate structures that are imminent hazards to the public in a quick and efficient manner. The model code includes definitions of terms for enforcement, for the integrity of structural elements of buildings, and specific hazards. These definitions are not included in the other standard codes.

## **Attachments**

Attachment 1: Ordinance No. 377-2019 amending Chapter 15.05, "Construction Codes", Section 15.05.020 of the Rio Dell Municipal Code (RDMC).

**ORDINANCE NO. 377-2019**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING SECTION 15.05.020 "BUILDING CODES" OF THE RIO DELL MUNICIPAL  
CODE (RDMC) TO ADOPT THE 2019 CALIFORNIA BUILDING CODES.**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**WHEREAS** the California Building Standards Commission (CBSC) is an independent commission within the State Consumer Services Agency responsible for reviewing, adopting, and publishing building standards for the State of California; and

**WHEREAS** every three years, the CBSC adopts a compilation of building regulations referred to as the California Building Standards Code (California Code of Regulations, Title 24); and

**WHEREAS** through the code adoption process, the CBSC selects and approves a set of model codes; and

**WHEREAS** inclusive in these regulations are the California Administrative Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building Standards and California Referenced Standards Codes; and

**WHEREAS** the 2019 Codes become effective on January 1, 2020; however, the specific code addition applicable to a building project is established by the building permit application date; and

**WHEREAS** therefore, projects submitted for a permit on or after January 1, 2020, must be designed to the 2019 edition of the California Building Standards Code; and

**WHEREAS** included with the adoption of the 2019 California Building Standards Codes is the adoption of the 2018 International Property Maintenance Code (IPMC); and

**WHEREAS** the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3). No further environmental review is necessary.



NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.**

Section 17.05.020 of the Rio Dell Municipal Code is hereby amended to read in as follows:

(1) The City of Rio Dell hereby incorporates by reference and adopts as its building standards and regulations applicable to all occupancies in the City of Rio Dell each and all of the terms, conditions, regulations, penalties, and provisions of the following codes as from time to time adopted, amended, added, and deleted by regulation of the California State Building Standards Commission:

- (a) California Administrative Code. 2016 California Administrative Code (Part 1 of Title 24).
- (b) California Building Code. 2016 California Building Code (Part 2 of Title 24), including Appendices.
- (c) California Residential Code. 2016 California Residential Code (Part 2.5 of Title 24) including Appendices.
- (d) California Electrical Code. 2016 California Electrical Code (Part 3 of Title 24).
- (e) California Mechanical Code. 2016 California Mechanical Code (Part 4 of Title 24).
- (f) California Plumbing Code. 2016 California Plumbing Code (Part 5 of Title 24).
- (g) California Energy Code. 2016 California Energy Code (Part 6 of Title 24).
- (h) California Historical Building Code. 2016 California Historical Building Code (Part 8 of Title 24).
- (i) California Fire Code. 2016 California Fire Code (Part 9 of Title 24).
- (j) California Existing Building Code. 2016 California Existing Building Code (Part 10 of Title 24).
- (k) California Green Building Standards Code — "CAL Green." 2016 California Green Building Standards Code (Part 11 of Title 24).
- (l) California Referenced Standards Code. 2016 California Referenced Standards Code (Part 12 of Title 24).
- (m) 1997 Uniform Housing Code. Published by the International Conference of Building Officials as referenced by the California Department of Housing and Community Development

and pursuant to the provisions of Section 17958, 17958.5, 17958.9, and 17959 of the California Health and Safety Code.

(n) ~~2015~~ International Property Maintenance Code (IPMC).

(2) The above-mentioned codes, new additions, and amendments thereto shall become effective and operative within the City of Rio Dell 30 days after the date of first publication of the State Building Standards Code by the State Building Standards Commission in the California Code of Regulations, the California Regulatory Notice Register or the California Regulatory Code Supplement.

(3) The above-mentioned codes, new additions, and amendments thereto shall be and hereby are adopted as the Construction Code of the City of Rio Dell for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs; and solar systems in the City of Rio Dell and providing for the issuance of permits and the collection of fees therefor.

(4) Nothing contained herein shall be construed as prohibiting or limiting the authority of the City of Rio Dell from adopting or establishing more restrictive building standards than provided for in the above-mentioned codes and amendments thereto after making the findings required by Government Code Section 17958.7.

(5) The City shall maintain one current copy of all building standards codes on file. [Ord. 315 § 1 B), 2014; Ord. 286, 2012; Ord. 269 § 1, 2014]

#### **15.05.030 Fees for permits and inspections.**

(1) Any person required to obtain a permit hereunder shall at the time of filing an application therefor pay to the City Clerk a deposit for plan review in the amount as set forth in the California Administrative Code referred to in RDMC 15.05.020. Notwithstanding any other provision of these regulations to the contrary, the City shall collect upon the issuance of any permit the actual cost of the plan review services rendered or the plan review fee as set forth in the California Administrative Code, whichever is greater.

(2) Where work is commenced prior to obtaining a permit, a double fee shall be charged.

(3) For the purpose of determining valuation of any work to be performed hereunder, the City may use the Valuation Data Table published by the International Code Council. The above-mentioned table, new editions, and amendments thereto shall become effective and operative within the City of Rio Dell 30 days after the date of first publication. The City may choose to modify the data published as determined by regional conditions, but will not exceed the costs

as published. [Ord. 286, 2012; Ord. 262 § 15.01.030, 2009.]

#### **15.05.040 Person may do own work.**

Nothing in this chapter shall be construed as prohibiting any person from doing his own work or employing any person to work on a building or structure to which the provisions of this chapter apply unless otherwise prohibited by law. [Ord. 286, 2012; Ord. 262 § 15.01.040, 2009.]

#### **15.05.050 Penalty.**

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any part of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$1,000.00. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter, or any part hereof, is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. [Ord. 286, 2012; Ord. 262 § 15.01.050, 2009.]

### **Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

### **Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

### **Section 4. Effective Date**

This ordinance becomes effective January 1, 2020.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on November 5, 2019 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 19, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 377-2019 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 19, 2019.

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Karen Dunham, City Clerk, City of Rio Dell